

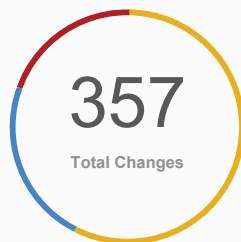
EXHIBIT 8A




Safety Star I Amended Complaint

Summary

Summary of Comments on
Acr4494091420800196331279.tmp

This page contains no comments



-  Shows Replacements
-  Shows Insertions
-  Shows Deletions

Case 3:23-cv-05440-DGE Document 15 Filed 07/28/23 Page 1 of 11

Page: 2

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Replaced
[Old]: "1 2 3 4 5 6 7 8 9"
[New]: "ENVISION IP L.L.C."

Font "TimesNewRomanPSMT" changed to "GoudyOldStyleT-Regular".
Font-size "13.92" changed to "0".

Text Replaced
[Old]: "23-05440-DGE 12 13 14 15 Plaintiff, vs. APTIBYTE, LLC, a Washington limited liability company, FIRST AMENDED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN, UNFAIR COMPETITION, AND TORTIOUS INTERFERENCE WITH ECONOMIC RELATIONS"
[New]: "2:23-CV-01399 COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN, CONTRIBUTORY TRADEMARK INFRINGEMENT, AND VICARIOUS TRADEMARK INFRINGEMENT DEMAND FOR JURY TRIAL 12 Plaintiff, vs. APTIBYTE, LLC, a Washington limited liability company, 13 14 15"

Font-color changed.

Text Replaced
[Old]: "ENVISION IP L.L.C. LAW OFFICES 1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 27 28"
[New]: "27 28 COMPLAINT CASE NO. _____"

Font "GoudyOldStyleT-Regular" changed to "TimesNewRomanPSMT".
Font-size "0" changed to "13.92".

Text Deleted
"

Text Inserted
"FLOOR NEW YORK, NEW YORK 10105 1 2 3 4 5 6 7 8 9"

Text Inserted
"

Text Inserted
"

Text Inserted
"LAW OFFICES"

Text Inserted
"1345 AVENUE OF THE AMERICAS 2 ND"

ENVISION IP
L.L.C.
LAW OFFICES
1345 AVENUE OF THE AMERICAS
2ND FLOOR
NEW YORK, NEW YORK 10105

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SAFETY STAR, LLC., a Missouri
limited liability company,

Plaintiff,

v.s.

APTIBYTE, LLC, a Washington
limited liability company,

Defendant.

Civil Action No. 23-05440-DGE

**FIRST AMENDED COMPLAINT
FOR TRADEMARK
INFRINGEMENT, FALSE
DESIGNATION OF ORIGIN,
UNFAIR COMPETITION, AND
TORTIOUS INTERFERENCE
WITH ECONOMIC RELATIONS**

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 2 of 11

1 Plaintiff Safety Star, LLC ("Plaintiff"), by and through its attorneys, files this
 2 ~~First Amended~~ Complaint ("Complaint") against Defendant Aptabyte LLC
 3 ("Defendant"), alleging as follows:

4 PARTIES

5 1. Plaintiff is a Missouri limited liability company that provides an array
 6 of safety awareness programs and products, including safety bingo kits and cards.
 7 Plaintiff has been in business for over 30 years, and has a principal place of
 8 business in Ozark, Missouri.

9 2. Defendant is a Washington limited liability company having a
 10 principal place of business at 10013 NE Hazel Dell Ave., # 212, Vancouver, WA
 11 98685-5203, and a registered address at 605 NW 94th St., Vancouver, WA 98665.

12 3. On information and belief, Defendant occasionally does business
 13 under its company name.

14 4. On information and belief, Defendant is also does business under the
 15 fictitious name "Bingo Baker".

17 JURISDICTION AND VENUE

18 5. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331
 19 and 1338, in that this action arises under Acts of Congress relating to trademarks,
 20 and the claims for unfair competition under state law are joined with substantial
 21 and related claims brought under the federal trademark laws.

22 6. This court likewise has diversity jurisdiction under 28 U.S.C. § 1332
 23 in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of
 24 interests and costs, and is between citizens of different states in that Plaintiff has its
 25 principal place of business in the state of Missouri, and Defendant has its principal
 26 place of business in the state of Washington.

27 7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) in
 28 that a substantial part of the events giving rise to the claim occurred in this district

~~FIRST AMENDED COMPLAINT~~
 Case No. ~~23-05440-DGE~~

- 2 -

Page: 3

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15"
 [New]: "1"

Text Replaced
 [Old]: "11"
 [New]: "13"

Text Deleted
 "First Amended"

Text Deleted
 "FIRST AMENDED"

Text Deleted
 "23-05440-DGE"

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 3 of 11

1 and that Defendant is subject to the court's subject matter and/or personal
2 jurisdiction with respect to this action as indicated in the preceding paragraphs.

3 FACTUAL BACKGROUND

4
5 8. Plaintiff was founded by Mr. Albert Culbertson in 1989, and since its
6 founding, Plaintiff has sold a variety of safety awareness programs and products to
7 consumers throughout the United States and across the world.

8 9. Plaintiff has manufactured, marketed, and sold a proprietary safety
9 bingo program under the trademarks B-SAFE and BSAFE BINGO (the "B-SAFE
10 Bingo Program") since January 1992, long before Defendant's acts described
11 herein.

12 10. Since at least January 1992, Plaintiff has continuously manufactured,
13 marketed, and sold the B-SAFE Bingo Program in commerce throughout the
14 United States.

15 11. Plaintiff has invested significant time, effort, and expense in
16 advertising, marketing, and promoting the B-SAFE Bingo Program, and has
17 enjoyed significant consumer recognition and goodwill as a result.

18 12. Attached as **Exhibit 1** is a true and correct copy of a game card from
19 Plaintiff's B-SAFE Bingo Program.

20 13. Plaintiff markets and offers for sale its B-SAFE Bingo Program
21 directly to consumers, such as through its website at www.safetystar.com as shown
22 in **Exhibit 2**.

23 14. Plaintiff's continuous and exclusive use of its B-SAFE and BSAFE
24 BINGO trademarks and the intellectual property associated therewith resulted in
25 generating goodwill and consumer recognition in connection with the B-SAFE
26 Bingo Program throughout the United States.

27 15. Consumers therefore recognize the B-SAFE Bingo Program as the
28 original and authentic safety bingo product that they trust for their workplace

Page: 4

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Deleted
"FIRST AMENDED"

Text Deleted
"23-05440-DGE"

ENVISION IP
L.L.C.
LAW OFFICES
1345 AVENUE OF THE AMERICAS
28TH FLOOR
NEW YORK, NEW YORK 10013

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 4 of 11

1 safety training efforts.

2 **PLAINTIFF'S TRADEMARKS**

3 16. Plaintiff is the owner of the following U.S. Trademark Registrations
4 for use in connection with its B-SAFE Bingo Program (collectively, the "B-SAFE
5 Trademarks"):

Mark	Reg. No.	Goods/Services	Filing Date	Reg. Date
B-SAFE	3032329	Bingo-type game cards for use in promoting safety.	January 8, 2005	December 20, 2005
BSAFE BINGO	5660503	Board games designed to promote employee safety awareness.	June 4, 2018	January 22, 2019

11 17. True and correct copies of the foregoing registrations are attached as
12 Exhibits 3 & 4.

13 18. A true and correct copy of a trademark assignment agreement dated
14 June 4, 2018 that provides Plaintiff sole title and right to the B-SAFE Trademarks,
15 and thus, standing to bring this Complaint is attached as Exhibit 16.

16 19. Plaintiff's B-SAFE Trademarks are "prima facie evidence of the
17 validity of the registered mark[s] and of the registration of the mark[s], of
18 [Plaintiff's] ownership of the mark[s], and of the [Plaintiff's] exclusive right to use
19 the registered mark[s] in commerce on or in connection with the goods or services
20 specified in the certificate . . ." pursuant to 15 U.S.C. § 1057.

21 20. Plaintiff's U.S. Trademark Reg. No. 3032329 for B-SAFE was filed
22 for before and registered before Defendant's infringing use commenced.

23 21. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the
24 trademarks have become uniquely associated with Plaintiff.

Page: 5

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Inserted
"3"

Text Deleted
"3"

Text Inserted
"6"

Text Deleted
"6"

Text Inserted
"

Graphic Element Inserted

Text Inserted
"12"

Graphic Element Inserted

Text Deleted
"

Graphic Element Deleted

Text Deleted
"12"

Graphic Element Deleted

Text Deleted
"A true and correct copy of a trademark assignment agreement dated June 4, 2018 that provides Plaintiff sole title and right to the B-SAFE Trademarks, and thus, standing to bring this Complaint is attached as Exhibit 16."

Text Deleted
"19."

Text Replaced
[Old]: "20."
[New]: "19."

Text Inserted
"20. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the trademarks have become uniquely associated with Plaintiff."

Text Replaced
[Old]: "As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the trademarks have become uniquely associated with Plaintiff."
[New]: "The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar

Comments from page 5 continued on next page

Case 3:23-cv-05440-DGE Document 15 Filed 07/28/23 Page 4 of 11

1 safety training efforts.

2 PLAINTIFF'S TRADEMARKS

3 16. Plaintiff is the owner of the following U.S. Trademark Registrations
4 for use in connection with its B-SAFE Bingo Program (collectively, the "B-SAFE
5 Trademarks"):

6 Mark	Reg. No.	Goods/Services	Filing Date	Reg. Date
7 B-SAFE	3032329	Bingo-type game cards for use in promoting safety.	January 8, 2005	December 20, 2005
8 BSAFE BINGO	5660503	Board games designed to promote employee safety awareness.	June 4, 2018	January 22, 2019

9
10
11
12 17. True and correct copies of the foregoing registrations are attached as
13 **Exhibits 3 & 4.**

14 18. A true and correct copy of a trademark assignment agreement dated
15 June 4, 2018 that provides Plaintiff sole title and right to the B-SAFE Trademarks,
16 and thus, standing to bring this Complaint is attached as **Exhibit 16.**

17 19. Plaintiff's B-SAFE Trademarks are "prima facie evidence of the
18 validity of the registered mark[s] and of the registration of the mark[s], of
19 [Plaintiff's] ownership of the mark[s], and of the [Plaintiff's] exclusive right to use
20 the registered mark[s] in commerce on or in connection with the goods or services
21 specified in the certificate . . ." pursuant to 15 U.S.C. § 1057.

22 20. Plaintiff's U.S. Trademark Reg. No. 3032329 for B-SAFE was filed
23 for before and registered before Defendant's infringing use commenced.

24 21. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the
25 trademarks have become uniquely associated with Plaintiff.
26
27
28

use on its bingo cards, as described herein."

Text Inserted
"26"

Text Deleted
"26"

Text Deleted
"FIRST AMENDED"

Text Deleted
"23-05440-DGE"

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 5 of 11

22. The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on its bingo cards, as described herein.

DEFENDANT'S INFRINGING ACTIVITIES

23. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district.

24. Defendant is engaged in the business of operating an online bingo card system at its website www.bingosbaker.com. Attached as Exhibit 5 is a screenshot of Defendant's website dated March 29, 2023.

25. Defendant's website is generally directed to all consumers, including those in this district.

26. Defendant offers bingo cards with the marks BSAFE, B SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website.

27. On information and belief, Defendant has offered bingo cards bearing the B-SAFE Trademarks since at least 2017. A true and correct copy of one of Defendant's bingo cards bearing the mark BSAFE is attached as Exhibit 6 which shows a "created" date of 2017-04-19, years after Plaintiff had established rights and goodwill in and to the B-SAFE Trademarks.

28. Defendant's bingo cards are identical or highly similar to the cards included in Plaintiff's B-SAFE Bingo Program.

29. Defendant further hosts these identical or highly similar bingo cards generated by customers on its server(s), whereby these bingo cards are searchable and accessible to Internet users.

30. As such, Defendant allows consumers to generate, distribute, and print bingo cards bearing the B-SAFE Trademarks, thereby circumventing Plaintiff's commercial goods.

Page: 6

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Deleted
"The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on its bingo cards, as described herein. 4"

Text Deleted
"22."

Text Deleted
"2 3"

Text Inserted
"2 ENVISION IP"

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Deleted
"Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district. 24."

Text Inserted
"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 3 4"

Text Inserted
"

Text Inserted
"LLC."

Text Inserted
"LAW OFFICES"

Text Inserted
"24. Defendant's website is generally directed to all consumers, including those in this district."

Text Replaced
[Old]: "Defendant's website is generally directed to all consumers, including those in this district."
[New]: "Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website."

Text Deleted
"ENVISION IP LLC. LAW OFFICES"

Text Deleted
"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105"

Graphic Element Inserted

Comments from page 6 continued on next page

Case 3:23-cv-05440-DGE Document 15 Filed 07/28/23 Page 5 of 11

22. The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on its bingo cards, as described herein.

DEFENDANT'S INFRINGING ACTIVITIES

23. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district.

24. Defendant is engaged in the business of operating an online bingo card system at its website www.bingobaker.com. Attached as Exhibit 5 is a screenshot of Defendant's website dated March 29, 2023.

25. Defendant's website is generally directed to all consumers, including those in this district.

26. Defendant offers bingo cards with the marks BSAFE, B SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website.

27. On information and belief, Defendant has offered bingo cards bearing the B-SAFE Trademarks since at least 2017. A true and correct copy of one of Defendant's bingo cards bearing the mark BSAFE is attached as Exhibit 6 which shows a "created" date of 2017-04-19, years after Plaintiff had established rights and goodwill in and to the B-SAFE Trademarks.

28. Defendant's bingo cards are identical or highly similar to the cards included in Plaintiff's B-SAFE Bingo Program.

29. Defendant further hosts these identical or highly similar bingo cards generated by customers on its server(s), whereby these bingo cards are searchable and accessible to Internet users.

30. As such, Defendant allows consumers to generate, distribute, and print bingo cards bearing the B-SAFE Trademarks, thereby circumventing Plaintiff's commercial goods.

Graphic Element Inserted

Graphic Element Deleted

Text Inserted

"Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to utilize as digital bingo cards."

Text Deleted

"

Graphic Element Deleted

Text Deleted

"Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website."

Text Inserted

"

Text Deleted

"

Text Inserted

"22. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district."

Text Deleted

"FIRST AMENDED"

Text Deleted

"23-05440-DGE"

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 6 of 11

1 31. On or about March 23, 2020, shortly after learning of Defendant's
 2 unauthorized use of the B-SAFE Trademarks for bingo cards, Plaintiff sent a cease
 3 and desist letter to Defendant. Attached as **Exhibit 7** is a true and correct copy of
 4 the cease and desist letter.

5 32. To date, Defendant has not ceased infringing use of the B-SAFE
 6 Trademarks and has expanded the number of bingo cards bearing the B-SAFE
 7 Trademarks, all of which directly overlap with Plaintiff's products and registered
 8 rights. Attached as **Exhibits 8-10** are screenshots from Defendant's website
 9 showing numerous bingo cards bearing the BSAFE, B SAFE, B-SAFE, and
 10 BSAFE BINGO marks.

11 33. Defendant's infringing bingo cards appear on the first page of search
 12 results during a query for the phrase "BSAFE Bingo" on Google®. Attached as
 13 **Exhibit 11** is a screenshot of this query conducted on March 29, 2023.

14 34. Defendant's infringing bingo cards appear throughout the first page of
 15 image search results during a query for the phrase "BSAFE Bingo" on Google®.
 16 Attached as **Exhibit 12** is a screenshot of the image search results for the query
 17 conducted on March 29, 2023.

18 35. Upon information and belief, Defendant has tagged the BSAFE-
 19 related bingo cards available on its website with the terms BSAFE and B-SAFE for
 20 search engine optimization purposes, which has resulted in these infringing bingo
 21 cards to appear prominently in the aforementioned search results.

22 36. Defendant provides a "Search Tips" section on its website at
 23 www.bingobaker.com/tips. These "Search Tips" provide consumers with
 24 instructions on how to perform advanced searching using a query language.
 25 Attached as **Exhibit 13** is a screenshot of Defendant's website dated March 29,
 26 2023.

27 37. Defendant's "Search Tips" provide consumers instructions on how to
 28 restrict or block certain terms from appearing in the results. For example,

Page: 7

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15"
 [New]: "1"

Text Replaced
 [Old]: "11"
 [New]: "13"

Text Deleted
 "FIRST AMENDED"

Text Deleted
 "23-05440-DGE"

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 7 of 11

Page: 8

1 Defendant states that the query “‘corpus: ‘milton friedman’ -economics” results in
 2 “bingo cards with a word or clue containing the exact phrase ‘milton friedman’.
 3 but nothing in the BingoBaker mentions ‘economics’.” *See id.* Upon information
 4 and belief, Defendant could have implemented a similar software mechanism to
 5 prevent consumers from generating bingo cards that incorporate the B-SAFE
 6 Trademarks upon receiving Plaintiff’s cease and desist letter.

7 38. Defendant offers and advertises a paid membership to its website
 8 which allows customers to access bingo cards generated and hosted by Defendant,
 9 including B-SAFE related bingo cards. Attached as **Exhibit 14** is a screenshot of
 10 Defendant’s website dated July 17, 2023 that allows customers to sign up for a
 11 membership for \$24.95.

12 39. Defendant has offered a paid membership to its website since at least
 13 March 23, 2015. Attached as **Exhibit 15** is an Archive.org screenshot of
 14 Defendant’s website dated March 23, 2015 that allows customers to sign up for a
 15 membership.

16 40. Defendant’s offering of bingo cards so similar to, and under identical
 17 marks, has harmed Plaintiff.

18 41. Defendant is not in any way affiliated with Plaintiff, has used the B-
 19 SAFE Trademarks without authorization, without Plaintiff’s consent, and has
 20 therefore interfered with Plaintiff’s prospective economic advantage as a result of
 21 allowing potential consumers of circumvent purchasing Plaintiff’s B-SAFE Bingo
 22 Program, all while infringing Plaintiff’s rights.

23 42. Defendant’s continued use of the B-SAFE Trademarks and branding
 24 efforts related to its bingo cards will confuse consumers. Defendant’s continued
 25 efforts to trade off Plaintiff’s goodwill will continue to cause Plaintiff harm.

26
 27 **FIRST CAUSE OF ACTION**
 28

FIRST AMENDED COMPLAINT
 Case No. 23-05440-DGE

- 7 -

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15"
 [New]: "1"

Text Replaced
 [Old]: "11"
 [New]: "13"

Text Deleted
 "26"

Text Replaced
 [Old]: "27"
 [New]: "1"

Text Replaced
 [Old]: "FIRST CAUSE OF ACTION"
 [New]: "26 27"

Font "TimesNewRomanPS-BoldMT" changed to "TimesNewRomanPSMT".

Text Deleted
 "28"

Text Deleted
 "FIRST AMENDED"

Text Replaced
 [Old]: "23-05440-DGE"
 [New]: "28"

Font-size "11.04" changed to "13.92".
 Font-color changed.

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 8 of 11

Page: 9

(Federal Trademark Infringement [Lanham Act, 15 U.S.C. § 1114])

43. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 42, inclusive, and incorporates them as though fully set forth by this reference herein.

44. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive. As such, Defendant's use of the B-SAFE Trademarks constitutes an infringement of Plaintiff's trademarks.

45. Defendant profits from its commercial use of the B-SAFE Trademarks by selling memberships to its website where customers can obtain bingo cards bearing the B-SAFE Trademarks.

46. Defendant's infringing actions are intentional and willful, as Defendant expanded its use of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

47. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

48. Defendant's intentional actions are willful and render this an exceptional case, further entitling Plaintiff to recovery of trebled damages, attorneys' fees and costs of suit as detailed in 15 U.S.C. § 1117.

SECOND CAUSE OF ACTION**(False Designation of Origin [Lanham Act, 15 U.S.C. § 1125(a)])**

FIRST AMENDED COMPLAINT
Case No. 23-05440-DGE

- 8 -

Text Replaced

[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced

[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced

[Old]: "15"
[New]: "1"

Text Replaced

[Old]: "11"
[New]: "13"

Text Deleted

"1"

Graphic Element Inserted

Graphic Element Deleted

Graphic Element Inserted

Text Inserted

"FIRST CAUSE OF ACTION"

Text Replaced

[Old]: "27"
[New]: "1"

Text Replaced

[Old]: "SECOND CAUSE OF ACTION (False Designation of Origin [Lanham Act, 15 U.S.C.]"
[New]: "27"

Font "TimesNewRomanPS-BoldMT" changed to "TimesNewRomanPSMT".

Text Deleted

"28"

Text Deleted

"§ 1125(a))"

Text Deleted

"FIRST AMENDED"

Text Replaced

[Old]: "23-05440-DGE"
[New]: "28"

Font-size "11.04" changed to "13.92".
Font-color changed.

ENVISION IP
LAW OFFICES
1345 AVENUE OF THE AMERICAS
28TH FLOOR
NEW YORK, NEW YORK 10105

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 9 of 11

49. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 48, inclusive, and incorporates them as though fully set forth by this reference herein.

50. In addition to its federally registered trademarks, Plaintiff is the owner of common law rights for B-SAFE Trademarks.

51. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff.

52. Defendant's use of the B-SAFE Trademarks is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's goods, services, or commercial activities by Plaintiff.

53. Defendant's use of the B-SAFE Trademarks in advertising and branding is a blatant attempt to capitalize on the goodwill established by Plaintiff.

54. Defendant's infringing actions are intentional and willful, as Defendant expanded its uses of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

55. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

56. Defendant's intentional actions are willful and render this an exceptional case, further entitling Plaintiff to recovery of trebled damages and its attorneys' fees and costs of suit as detailed in 15 U.S.C. § 1117.

FIRST AMENDED COMPLAINT
Case No. 23-05440-DGE

- 9 -

Page: 10

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Deleted
"1"

Text Deleted

"Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark BSAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's BSAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff."

Graphic Element Deleted

Text Deleted

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Inserted

"Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark BSAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's BSAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff."

Graphic Element Inserted

Text Inserted

"SECOND CAUSE OF ACTION (False Designation of Origin [Lanham Act, 15 U.S.C. § 1125(a)])"

Text Inserted

Graphic Element Inserted

Text Inserted

"the"

Text Inserted

"27"

Graphic Element Inserted

Text Inserted

"-9 COMPLAINT Case No. 28"

Text Inserted

Comments from page 10 continued on next page

Case 3:23-cv-05440-DGE Document 15 Filed 07/28/23 Page 9 of 11

49. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 48, inclusive, and incorporates them as though fully set forth by this reference herein.

50. In addition to its federally registered trademarks, Plaintiff is the owner of common law rights for B-SAFE Trademarks.

51. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff.

52. Defendant's use of the B-SAFE Trademarks is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's goods, services, or commercial activities by Plaintiff.

53. Defendant's use of the B-SAFE Trademarks in advertising and branding is a blatant attempt to capitalize on the goodwill established by Plaintiff.

54. Defendant's infringing actions are intentional and willful, as Defendant expanded its uses of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

55. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

56. Defendant's intentional actions are willful and render this an exceptional case, further entitling Plaintiff to recovery of trebled damages and its attorneys' fees and costs of suit as detailed in 15 U.S.C. § 1117.

FIRST AMENDED COMPLAINT
Case No. 23-05440-DGE

- 9 -

"1 2 3"

Text Inserted

"Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 10 of 13"

Graphic Element Inserted

Text Deleted

"27 28"

Text Inserted

"

Text Inserted

"

Text Inserted

"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 27"

Text Inserted

"4 5"

Text Inserted

"6 THIRD CAUSE OF ACTION (Contributory Trademark Infringement) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 57. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 56, inclusive, and incorporates them as though fully set forth by this reference herein. 58. Defendant has been and continues to be aware of – and has been and continues to contribute to – the infringement of the B-SAFE Trademarks by prominently displaying and promoting infringing bingo cards which are generated by, and hosted on, its website. 59. Defendant's website is configured such that a search for the mark "BSAFE" or "B-SAFE" will lead directly to the infringing bingo cards which have been generated by, and which are hosted on, its website. 60. Defendant, through software operating on or via its website, generates and distributes the infringing bingo cards to consumers. 61. Alternatively, Defendant has remained willfully blind to the infringement of the B-SAFE Trademarks on its website and on the bingo cards it generates and distributes to consumers. 62. Plaintiff has been damaged by and Defendant has profited from Defendant's contributory trademark infringement. 63. To remedy Defendant's contributory trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act. ENVISION IP LLC. LAW OFFICES"

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Deleted

"FIRST AMENDED"

Text Replaced

[Old]: "23-05440-DGE -9"

[New]: "28 -10"

Font-size "11.04" changed to "13.92".

Font-color changed.

Case 2:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 10 of 11

Page: 11

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"Text Replaced
[Old]: "15"
[New]: "1"Text Replaced
[Old]: "10"
[New]: "11"Text Replaced
[Old]: "11"
[New]: "13"

Graphic Element Inserted

Text Inserted
"ND FLOOR NEW YORK, NEW YORK 10105"

Graphic Element Inserted

Text Inserted
"FOURTH CAUSE OF ACTION (Vicarious Trademark Infringement) ENVISION IP L.L.C."

Graphic Element Inserted

Text Replaced
[Old]: "PRAYER FOR RELIEF"
[New]: "2"Font "TimesNewRomanPS-BoldMT" changed to "GoudyOldStyleT-Regular".
Font-size "13.92" changed to "0".Text Inserted
"LAW OFFICES"Text Inserted
"Text Inserted
"1345 AVENUE OF THE AMERICAS"Text Inserted
"PRAYER FOR RELIEF"

Graphic Element Deleted

Text Deleted
"ENVISION IP L.L.C."Text Deleted
"1345 AVENUE OF THE AMERICAS"Text Deleted
"ND FLOOR NEW YORK, NEW YORK 10105"Text Deleted
"LAW OFFICES"

Comments from page 11 continued on next page

ENVISION IP
L.L.C.
ENVOYING
23-05440-DGE
NEW YORK, NEW YORK 10105**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays the Court enter judgment against Defendant as follows:

1. That the Court render a final judgment in favor of Plaintiff and against Defendant on all claims for relief alleged herein;

2. That the Court render a final judgment that Defendant has willfully violated the provisions of 15 U.S.C. § 1114 by infringing Plaintiff's federally registered trademarks;

3. That the Court render a final judgment that Defendant has violated the provisions of 15 U.S.C. § 1125(a) by willfully infringing the B-SAFE Trademarks by using a false designation of origin, through the marketing, sale, and promotion of Defendant's products;

4. For pre-judgment interest on all amounts claimed as permitted by law;



















5. For an order of permanent injunction, enjoining Defendant from using the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards.

6. That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;

7. For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property;

8. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and

- 10 -

	Text Inserted "13 14 15 16 17 18"
	Text Deleted "of Defendant's products; 14 15"
	Text Replaced [Old]: "13" [New]: "67. Plaintiff has been damaged by and Defendant has profited from Defendant's vicarious trademark infringement. 68. To remedy Defendant's vicarious trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act."
	Text Deleted "
	Graphic Element Deleted
	Text Deleted "2"
	Graphic Element Deleted
	Text Deleted "4. For pre-judgment interest on all amounts claimed as permitted by law; 5. For an order of permanent injunction, enjoining Defendant from using"
	Text Deleted "the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards."
	Text Deleted "16 17 18 19 20 21 22 23 24 25 26"
	Graphic Element Inserted
	Text Inserted "19 20 21 22 23 24 25 26 64. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 63, inclusive, and incorporates them as though fully set forth by this reference herein. 65. Defendant and third-parties who design the infringing bingo cards on Defendant's website are in an apparent or actual partnership and/or exercise joint ownership or control over the infringing bingo cards generated by Defendant. 66. Defendant is thus vicariously liable for the trademark infringement of the third-parties who design and generate the infringing bingo cards on and through Defendant's website."
	Text Deleted "That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;"
	Text Deleted "6."
	Text Deleted "For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property; 8. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and"
	Text Deleted "7."
	Text Deleted "FIRST AMENDED"
	Text Replaced [Old]: "23-05440-DGE -10" [New]: "-11"
	Font-size "11.04" changed to "13.92". Font-color changed.

Case 3:23-cv-05440-DGE Document 15 Filed 07/29/23 Page 11 of 11

Page: 12

9. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and

10. For such other, further, and different relief as the Court may deem proper under the circumstances.

Dated: July 28, 2023

ENVISION IP, LLC

/s/ Maulin V. Shah
Maulin V. Shah, *Admitted Pro Hac Vice*
1345 Avenue of the Americas
26th Floor
New York, NY 10105
Tel.: 888-307-6807
maulin.shah@envisionip.com

Attorneys for Plaintiff SAFETY STAR, LLC.

LAW OFFICE OF CARL J. MARQUARDT

/s/ Carl J. Marquardt
Carl J. Marquardt (WA Bar No. 23257)
1126 34th Avenue, Suite 311
Seattle, WA 98122
Tel: (206) 388-4498
Email: carl@cjmlawoffice.com

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "12"

Text Replaced
[Old]: "11"
[New]: "13"

Text Replaced
[Old]: "9. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and 10. For such other, further, and different relief as the Court may deem proper under the circumstances."
[New]: "of Defendant's products; 4. That the Court render a final judgment that Defendant has contributorily infringed Plaintiff's federal registered trademarks; 5. That the Court render a final judgment that Defendant has vicariously infringed Plaintiff's federal registered trademarks; 3 4 5 6 7 6. For pre-judgment interest on all amounts claimed as permitted by law; 7. For an order of permanent injunction, enjoining Defendant from using 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards. 8. That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116; 9. For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property; 10. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and 11. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and 12. For such other, further, and different relief as the Court may deem proper under the circumstances. 26 27"

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Inserted
"Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 13 of 13"

Graphic Element Inserted

Graphic Element Inserted

Text Replaced
[Old]: "3 4 5 6 7 Dated: July 28, 2023 ENVISION IP, LLC 8 9 10 11 12 13 14 15 16 17 18 19 20"
[New]: "JURY DEMAND Plaintiff requests a trial by jury of all claims that can be so tried. 3 4 5 Dated: September 8, 2023 LAW OFFICE OF CARL J. MARQUARDT PLLC 6 7 8 9 10 11 12 13 14 15 16 17 18 /s/ Carl J. Marquardt Carl J. Marquardt (WA Bar No. 23257) 1126 34th Avenue, Suite 311 Seattle, WA 98122 Tel: (206) 388-4498 Email:"

Font "TimesNewRomanPSMT" changed to "TimesNewRomanPS-BoldMT".

Text Inserted
"FLOOR NEW YORK, NEW YORK 10105 1 2"

Comments from page 12 continued on next page

ENVISION IP
LLC
LAW OFFICES
1345 AVENUE OF THE AMERICAS
26TH FLOOR
NEW YORK, NEW YORK 10105

Case 3:23-cv-05440-DGE Document 15 Filed 07/28/23 Page 11 of 11

9. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117, and

10. For such other, further, and different relief as the Court may deem proper under the circumstances.

Dated: July 28, 2023

ENVISION IP, LLC

/s/ Maulin V. Shah
Maulin V. Shah, ~~Admitted~~ Pro Hac Vice
1345 Avenue of the Americas
2nd Floor
New York, NY 10105
Tel: 888-307-6807
maulin.shah@envisionip.com

Attorneys for Plaintiff SAFETY STAR, LLC.

LAW OFFICE OF CARL J. MARQUARDT

/s/ Carl J. Marquardt
Carl J. Marquardt (WA Bar No. 23257)
1126 34th Avenue, Suite 311
Seattle, WA 98122
Tel: (206) 388-4498
Email: carl@cjmlawoffice.com

FIRST AMENDED COMPLAINT
Case No. 23-05440-DGE

- 11 -

Text Inserted
"1345 AVENUE OF THE AMERICAS 2 ND"

Text Inserted
"

Text Inserted
"ENVISION IP LLC."

Text Inserted
"LAW OFFICES"

Text Inserted
"

Text Inserted
"28 -12 COMPLAINT Case No."

Graphic Element Inserted

Text Inserted
"Pending"

Text Deleted
"Admitted"

Text Replaced
[Old]: "LAW OFFICE OF CARL J. MARQUARDT /s/ Carl J. Marquardt Carl J. Marquardt (WA Bar No. 23257) 1126 34 th Avenue, Suite 311 Seattle, WA 98122 Tel: (206) 388-4498 Email:"
[New]: "19 20"

Text Inserted
"carl@cjmlawoffice.com ENVISION IP, LLC"

Annotation Inserted

Annotation Deleted

Text Deleted
"carl@cjmlawoffice.com"

Text Deleted
"FIRST AMENDED"

Text Replaced
[Old]: "23-05440-DGE -11"
[New]: "-13"

Font-size "11.04" changed to "13.92".
Font-color changed.

ENVISION IP
L.L.C.
LAW OFFICES
1345 AVENUE OF THE AMERICAS
2ND FLOOR
NEW YORK, NEW YORK 10105

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 1 of 39

EXHIBIT 1

Page: 13

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:39:29 AM

EXHIBIT 1



B • S A F E				
14	30	39	53	65
10	23	31	55	70
12	25	FREE 25 SPACE	47	63
11	28	33	58	62
2	27	38	46	61
SAFETY STARTS WITH YOU!				

EXHIBIT 2



**SAFETY STAR**

Med Help/Call Us at (417) 584-6199

[Home](#) [Safety Scoreboards](#) [Safety Stuplights](#) [Safety Bingo](#) [Dry Erase Posters](#) [More Products](#) [Your Cart](#)

The "Original" B-SAFE Bingo Card

Small Card Pricing

0 - 1,999	2,000 - 4,999	5,000 - 20,000	Over 20,000
\$0.09 Each	10% Off	20% Off	Please Call

Large Card Pricing

0 - 1,999	2,000 - 4,999	5,000 - 20,000	Over 20,000
\$0.12 Each	10% Off	20% Off	Please Call

Size

Small - Credit Card Size - 2"x3.5"

Color

Yellow





\$0.09

Page: 14

-  Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
-  Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
-  Text Replaced
[Old]: "15-1"
[New]: "1-1"
-  Text Replaced
[Old]: "39"
[New]: "37"
-  Maulin Shah Date: 3/29/2023 7:42:10 AM

EXHIBIT 2

Page: 15

	Text Replaced [Old]: "07/28/23" [New]: "09/08/23"
	Text Replaced [Old]: "3:23-cv-05440-DGE" [New]: "2:23-cv-01399"
	Text Replaced [Old]: "15-1" [New]: "1-1"
	Text Replaced [Old]: "39" [New]: "37"

DescriptionAdditional informationReviews (0)

Description

These safety bingo cards have been used by thousands of businesses to reduce workers compensation expenses since 1992. Our small card is the original "credit card size" made from brightly colored, thick card stock. Perfect size for a wallet or billfold. **We now also offer a large regular size card measuring 3.7" X 4.25"**. Orders for our stock B-SAFE Bingo Cards require no minimums and ship the same day as ordered.

Here are 7 reasons why our Safety Bingo Cards are a "best" value:

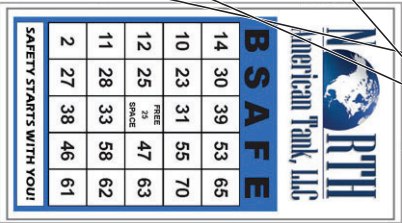
1. Our stock and custom safety bingo card prices are the lowest in the country, we will not be under sold!
2. All of our cards are printed right here in the USA, no foreign printing!
3. Order the exact number of cards you need, no need to buy "packs" of cards that may not be used.
4. No art / set up charge for custom cards or existing card reorders, saving you \$40 to \$50 per order.
5. Reordering is simple, just e-mail or call us. We keep all your order history on file.
6. Our cards are made of thick 65 lb. cardstock and are more "tear resistant" than the competition.
7. All individual games come in a different color at no extra charge.

Related products

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 4 of 89

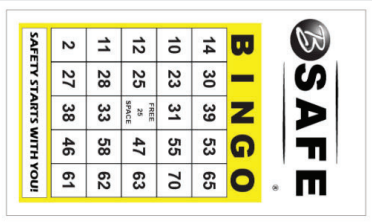
Page: 16

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"



Small Custom B-SAFE Bingo Card

Read More



New B-SAFE BINGO Combo Card

\$0.09 - \$0.12

Select Options



Large Custom B-SAFE Bingo Card

\$0.12

Read More



Products

Safety Scoreboards

Safety Bingo

Dry Erase Posters

Safety Stoplights

Contact Us

info@safetystar.com

(417) 581-6199

5157 N 22nd St

Ozark, MO 65721

Digital Timer Instructions

Download Manuals

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 5 of 89

EXHIBIT 3

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,032,329
Registered Dec. 20, 2005

TRADEMARK
PRINCIPAL REGISTER

B-SAFE

Page: 17

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:42:20 AM

EXHIBIT 3

CULBERTSON, BEAUB (UNITED STATES INDIVIDUAL)
8206 INTERLOCHEN DRIVE
NIXA, MO 65714

FOR: BINGO-TYPE GAME CARDS FOR USE IN PROMOTING SAFETY, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-1-1992; IN COMMERCE 3-1-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-544,305, FILED 1-8-2005.

MONTIA G. PRESSEY, EXAMINING ATTORNEY

EXHIBIT 4

United States of America
United States Patent and Trademark Office

BSAFE BINGO

Reg. No. 5,660,503
Registered Jan. 22, 2019
Int. Cl.: 28
Trademark
Principal Register

Safety Star (MISSOURI LIMITED LIABILITY COMPANY)
8206 Interlochen Dr.
Nixa, MISSOURI 65714

CLASS 28: Board games designed to promote employee safety awareness

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY
PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BINGO"

SER. NO. 87-947,894, FILED 06-04-2018

Page: 18

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:44:55 AM

EXHIBIT 4



Andrei Iancu

Director of the United States
Patent and Trademark Office

EXHIBIT 5

Page: 19

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:45:06 AM

EXHIBIT 5

from an internet

Untitled Bingo

5x5

B

I

N

G

O

scratch

Bingo Card

Create your own
bingo card from
scratch



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Whip up a batch of bingo cards!

Find and customize one of the thousands of ready-made bingo cards, or use the simple bingo card generator to create your own. Then print as many cards as you need. You can even play virtual bingo using a computer, smartphone or tablet. It's fast and easy.

loteria Find Cards

Weather Bingo

B	I	N	G	O
circus	clouds	fog	hail	thunder
blizzard	drizzle	haze	rain	snow
storm	sun	thunder	wind	clouds
thunder	drizzle	haze	rain	snow

Number Bingo 1-75

B	I	N	G	O
6	23	31	55	65
5	19	34	50	63
8	29	Free!	48	68
15	30	39	49	67
9	28	40	47	75

BABY SHOWER

B	I	N	G	O
BABY	FOOT	HEEL	BABY	SHOWER
WASH	WATER	WASH	WATER	WASH
CHANGING	DIAPER	CHANGING	DIAPER	CHANGING
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER

Sight Words

B	I	N	G	O
the	and	is	was	are
it	up	down	in	on
off	by	with	from	to
at	on	in	under	over

T Text Replaced
[Old]: "39"
[New]: "37"

Generator

Instructions: Enter your bingo card title, choose a size, and type your words into the squares.

You can drag-and-drop images into the squares and customize the color scheme.

To generate your bingo cards, click the "Generate" button.

Afterwards, you can print your bingo cards, or play a virtual bingo game.





Features

- **New!** For [question/answer-style bingo](#), flip over the square to enter a question/clue (which will appear on the call list)
- **Drag and drop images** from your computer to liven up your card
- **Print** 10 bingo cards or 10,000 with 1, 2, or 4 bingo cards per page
- **Play virtual bingo** from a computer, tablet or smartphone
- Use the automatically generated random **call list** to conduct your game

Decide if you want to fix your words/images to a single column (like in traditional bingo), or shuffle them across the entire card.

- Customize the size of your card with 5x5, 4x4 and 3x3 grids
- Add as many words/images as you want
- Choose whether you want a free space or not

Calculate the probability of

-  Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
-  Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
-  Text Replaced
[Old]: "15-1"
[New]: "1-1"
-  Text Replaced
[Old]: "39"
[New]: "37"

- ☐ other people can find and use it.
- ☐ **Hidden**
Only people who know the URL can access your card, and it will not be indexed by search engines.
- ☐ **Private**
Only you can access the card.

Generate

Generate the probability of someone winning your bingo game after a certain number of calls

How do I generate bingo cards?

Enter the bingo title, select the size of your bingo card grid, and type your items into the squares. Whatever items you enter into the squares will be shuffled around when the bingo cards are generated. You can add numbers (like in traditional bingo), words, phrases, or pictures to your card. You can also customize the colors of the squares, and the bingo card itself.

Tip: You can put text and an image into a square. Use the text shadow to make the text "pop" against the background image. You can also change the vertical alignment of the text in the square so it does not cover the important parts of the image.

If your center square is the free space (and should not be shuffled around the card), make sure you check the "The center square is the free space" checkbox. Only 5x5 and 3x3 have a free space.

By default, when your cards are generated, the items are shuffled over the *entire* card. In traditional bingo, items are fixed to a certain column (and only shuffled within their respective column). To enable that, check the "Shuffle items only within their column" checkbox.

How does question/answer-style bingo work?

When you create your card, you can flip over a square to enter a clue/question. Whatever you enter on the *back* of your square will appear in the call list for your bingo game. For example, to help kids learn animal words, you might put the word "Bear" on the front of the square, and a picture of the bear on the back. When you play the game, the image of the bear will appear in the call list for your students to see. If they recognize the literal word "Bear" on their card, they would mark it. You can use question/answer-style bingo to quiz players about anything!

How many bingo cards can I generate?

A 5x5 bingo card can generate 1551121004330985984000000 unique cards. A 3x3 bingo card can produce only 362880 bingo cards. Cards are randomly generated, so the probability of getting a duplicate is infinitesimal on a 5x5 card.

Page: 22

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

How do I print bingo cards?

After [generating bingo cards](#) or finding an existing [bingo card](#), enter the number of cards you want to print, and select how many cards you want to print per page. You can print 1, 2 or 4 cards per page. Make sure you switch to landscape print mode on your printer to print 2 cards per page.

How do I play virtual bingo?

To play a virtual bingo game, simply send your players the bingo card URL. They can generate a virtual bingo card instantly. Here are more detailed [instructions to play virtual bingo](#).

How do I call items?

A call sheet is included with your bingo game. Simply read the items off in the order you see them. You can also print the call sheet, cut it out, and pull the items from a hat.

How many items should I put on my bingo card?

You should at least fill the entire bingo card grid. A [traditional number bingo card](#) has 75 items. You can add up to 350 squares to your card.

I need more help

See the [help page](#). But I strongly recommend you just play around. It's bingo. You won't break anything.

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)

~~EXHIBIT 6~~

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

T Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

TText Replaced
[Old]: "15-1"
[New]: "1-1"

T Text Replaced
[Old]: "39"
[New]: "37"

 Maulin Shah Date: 3/29/2023 7:46:08 AM

EXHIBIT 6

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Print Bingo Cards

Print pages, with cards per page

☐ Show bingo title

☒ Include call list

Print

 or

Download

Play Online

Share this URL with your players:

bingobaker.com/t/149675

For more control of your online game, [create a clone](#) of this card first.

Learn how to conduct a bingo game.

Call List


Full Screen

Print

61

Page: 24

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

BSAFE 

24 words / 0 images / Created 2017-04-19

B	S	A	F	E
14	35	55	61	70
18	8	30	3	75
20	12	Free!	52	40
45	2	65	48	61
45	15	73	16	25




EXHIBIT 7

Envision IP, LLC
Intellectual Property Law Firm

350 5th Avenue, 58th Floor
New York, NY 10118
Ph.: 888-207-5560
Fax: 646-200-5227

VIA USPS CERTIFIED MAIL AND EMAIL

March 23, 2020

Matt Johnson
support@bingobaker.com

Re: Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,329 & 5,660,503

Mr. Johnson:

Please be advised that this firm represents Safety Star LLC (“Safety Star”) with respect to trademark-related matters. Safety Star is a leading provider of safety awareness programs and products for employers and workplaces.

Safety Star is the owner of U.S. Trademark Registration No. 2,682,647 for SAFETY STAR for “instruction sheets and posters designed to promote safety on the job”, U.S. Trademark Registration No. 3,032,329 for B-SAFE for “bingo-type game cards for use in promoting safety”, and U.S. Trademark Registration No. 5,660,503 for BSAFE BINGO for “board games designed to promote employee safety awareness” (collectively, the “Safety Star Trademarks”). A true and correct copy of these trademark registration certificates are attached for your review as Appendix A.

Safety Star has marketed and sold safety bingo products under the BSAFE and B-SAFE trademarks since at least 1992, and under the SAFETY STAR trademark since at least 2001. For example, attached as Appendix B is a copy of my Client’s BSAFE safety bingo card.

It has come to our attention that you are illegally using the Safety Star Trademarks on downloadable and printable safety bingo cards. *See Appendices C & D.* Your website at <bingobaker.com> states, among other things, “Find and customize one of the thousands of ready-made bingo cards, or create your own. Then print as many cards as you need.” *See Appendix E.*

Page: 25

Text Replaced	
[Old]: "07/28/23"	
[New]: "09/08/23"	
Text Replaced	
[Old]: "3:23-cv-05440-DGE"	
[New]: "2:23-cv-01399"	
Text Replaced	
[Old]: "15-1"	
[New]: "1-1"	
Text Replaced	
[Old]: "39"	
[New]: "37"	
Maulin Shah	Date: 3/29/2023 7:47:45 AM

EXHIBIT 7

Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,329 & 5,660,503
Matt Johnson

Customers, potential customers, and parties involved in the occupational and workplace safety industry are being misled into believing that your products and games bearing the Safety Star Trademarks are affiliated with, owned by, or approved by Safety Star. We thus consider your unauthorized uses of the Safety Star Trademarks to be an infringement of our rights.

Accordingly, we demand that that you immediately:

- (1) Cease use of the trademarks BSAFE, B-SAFE, and SAFETY STAR on all products and games that you offer, whether digitally or in print;
- (3) Remove any branding, advertisements, or mentions of the trademarks BSAFE, B-SAFE, and SAFETY STAR from all business locations and any other physical locations where your products may be sold or advertised (such as distributors, re-sellers, and retail outlets);
- (4) Remove any branding, advertisements, or mentions of the trademarks BSAFE, B-SAFE, and SAFETY STAR from all online accounts, such as websites, blogs, social media handles, or otherwise, where your products may be sold or advertised;
- (5) Agree in writing to refrain from using the trademarks BSAFE, B-SAFE, and SAFETY STAR, or any mark or logo confusingly similar to any of my Client's trademarks, in the future, in any form, either digitally or in print; and
- (6) Prevent visitors of <bingobaker.com> from generating, printing, or otherwise creating any bingo cards bearing any of the trademarks BSAFE, B-SAFE, and SAFETY STAR.

Page: 26

Text Replaced

[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced

[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced

[Old]: "15-1"
[New]: "1-1"

Text Replaced

[Old]: "39"
[New]: "37"

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 15 of 39

Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,329 & 5,660,503
Matt Johnson

My Client is prepared to pursue all available legal remedies to protect and enforce its trademark rights under applicable state and federal laws. If I do not hear from you within ten (10) days of this letter to indicate compliance with the above requests, we shall assume that you have no interest in an amicable resolution. We will then have no choice but to pursue our legal remedies.

Nothing stated in or omitted from this letter shall be construed as a waiver of any of Safety Star's rights, all of which are expressly reserved.

Very truly yours,



Maulin V. Shah, Esq.
Attorney at Law

Enclosures

Page: 27

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

APPENDIX A

Int. Cls.: 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,682,647
Registered Feb. 4, 2003

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SAFETY STAR

CULBERTSON, BEAU (UNITED STATES INDIVI-
DUAL)
8206 INTERLOCHEN ST.
NIXA, MO 65714

FOR: PRINTED INSTRUCTIONAL AND MOTI-
VATIONAL MATERIALS CONCERNING EMPLOY-
EE SAFETY, NAMELY, BROCHURES, CATALOGS,
INSTRUCTION SHEETS AND POSTERS DESIGNED
TO PROMOTE SAFETY ON THE JOB, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-1-2001; IN COMMERCE 7-1-2001.

FOR: BUSINESS CONSULTING SERVICES FOR
EMPLOYERS CONCERNING SAFETY INCENTIVE
AND AWARENESS PROGRAMS, IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 7-1-2001; IN COMMERCE 7-1-2001.

SER. NO. 76-281,230, FILED 7-9-2001.

JOHN DALIER, EXAMINING ATTORNEY

Page: 28

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,032,329
Registered Dec. 20, 2005

TRADEMARK
PRINCIPAL REGISTER

B-SAFE

CULBERTSON, BEAUB (UNITED STATES INDIVIDUAL)
8206 INTERLOCHEN DRIVE
NIXA, MO 65714

FOR: BINGO-TYPE GAME CARDS FOR USE IN PROMOTING SAFETY, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-1-1992; IN COMMERCE 3-1-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-544,305, FILED 1-8-2005.

MONTIA G. PRESSEY, EXAMINING ATTORNEY

Page: 29

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"



BSAFE BINGO

Reg. No. 5,660,503

Registered Jan. 22, 2019

Int. Cl.: 28

Trademark

Principal Register

Safety Star (MISSOURI LIMITED LIABILITY COMPANY)
8206 Interlochen Dr.
Nixa, MISSOURI 65714

CLASS 28: Board games designed to promote employee safety awareness

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BINGO"

SER. NO. 87-947,894, FILED 06-04-2018

Page: 30

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"



Andrei Iancu

Director of the United States
Patent and Trademark Office

APPENDIX B

Page: 31

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15-1"
 [New]: "1-1"

Text Replaced
 [Old]: "39"
 [New]: "37"



B • S A F E

14	30	39	53	65
10	23	31	55	70
12	25	FREE 25 SPACE	47	63
11	28	33	58	62
2	27	38	46	61

SAFETY STARTS WITH YOU!



BSAFE Safety BINGO

B	S	A	F	E

Print Bingo Cards

Print 1 cards per page

Print 8 pages

☒ Show bingo title

☒ Include word list

Print

(opens as a PDF in a new window)

Play Online

You can get a full screen bingo card here:
[bingobaker.com/play/1947762](#)

Call List

Here is a call list you can use.

Clone & Edit

You can clone this bingo game, and edit the clone.
[Want to do that?](#)

Probabilities

With 30 players, you'll have to call about 10 items before someone gets a bingo. There's a % chance that a lucky player would win after calling items.

Tip: if you want your game to last longer (on average), add more words/images to it.


APPENDIX C



Page: 32

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"



Safety Star BINGO					
S	A	F	T	Y	
Pinch Point	E Zone	Frustration	SDS	First Responder	
Inspection	Trip Hazard	Ladder Safety	Spotter	Hand Safety	
Blitz Audit	Safety Cone		Safety Awareness	Ear Plugs	
Pneumatic LOTO	Code 4 - Inclement Weather	Electrical Panel	Pedestrian Walkways	Loose Clothing	
Ladder Safety	Machine Guard	Hearing Protection	Recordable	Code 1 Plant Evacuation	

Print Bingo Cards

Print

1

 cards per page

Print

8

 pages

☒ Show bingo title

☒ Include word list

Print

(opens as a PDF in a new window)

Play Online

You can get a full screen bingo card here: [bingobaker.com/play/1108539](#)

Call List

[Here is a call list](#) you can use.

Clone & Edit

You can clone this bingo game, and edit the clone. [Want to do that?](#)

Probabilities

With 30 players, you'll have to call about 1 items before someone gets a bingo. There's a % chance that a lucky player would win after calling items.





Tip: if you want your game to last longer (on average), add more words/images to it.

APPENDIX D



Page: 33

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

-  Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
-  Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
-  Text Replaced
[Old]: "15-1"
[New]: "1-1"
-  Text Replaced
[Old]: "39"
[New]: "37"

This bingo card has the words: Take 2, Near Miss, OFI, First Aid, E Zone, Safety Scorecard, Zip Audit, LOTO, Inspection, Emergency Evacuation, Fatigue, Slip Trip Fall, Sharpe Edges, Repetitive Motion, Goggles, Blitz Audit, Loose Clothing, 5S, Hand Safety, Cell Phone Policy, Ladder Safety, Hand Safety, Coast Time, Machine Guard, Red Card, Recordable, Proper Lifting, PPE, Power Tool Safety, Pneumatic LOTO, Pinch Point, Pedestrian Walkways, Pedestrian Safety, Pedestrian Safety, Sharp Edges, Secondary LOTO, Seatbelt, SDS, Safety Scorecard, Safety Mentor, Safety Glasses, Safety Cone, Safety Awareness, Inspection, Hoist Inspection, Hearing Protection, Hand Safety, JSA, Repetitive Motion, Loose Clothing, Ladder Safety, Ladder Safety, JSA, LOTO, Goggles, Gloves, Gas LOTO, Frustration, Forklift Travel, Forklift Hot Zone, Code 2 Incipient Fire or Spill, Code 1 Plant Evacuation, Coast Time, Chemical Labeling, Cell Phone Policy, Bump Hazard, Blood Borne Pathogens, Blocked Exit, Blitz Audit, Blind Spot, Applied Force, Air Hose, Electrical LOTO, Ear Plugs, E Zone, Dust Mask, DTMs, Confined Space, Complacency, Code 4 - Inclement Weather, Code 3 First Responder, Forklift, First Responder, First Aid, First Aid, Fire Extinguisher, Fatigue, Fall Protection, OFI, No Stage Zone, No Jewelry, Near Miss, Moving Parts, Machine Guard, LOTO Try, LOTO, Zip Audit, Trip Hazard, Team Work, Team Lift, Take 2, Stop Zone, Spotter, Spill Kit, Eye Wash, Ergonomics, Emergency Evacuation, Electrical Safety, Electrical Panels, Electrical Panel

More like this:
[PERIOD 5 - 7 SAFETY BINGO](#) | [Safety Star BINGO](#) | [Safety Star BINGO](#) | [Period 5 - 7 Safety Star BINGO](#) | [Safety Star BINGO](#)

APPENDIX E

Find Cards

Sports

Weather Bingo

Number Bingo 1-75

BABY SHOWER

Sight Words

Clear Card

5x5

O

G

N

I

B

Untitled Bingo

Create your own bingo card from scratch

Bingo Cards

Instructions: Just type your words into the grid on the left. You can give your

Drop an image
or your camera roll

Page: 35

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

EXHIBIT 8

Page: 36

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:48:50 AM

EXHIBIT 8



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Bingo Cards > Title:Bsafe Bingo Cards

title:bsafe

☐ Only find cards with images

[Clear](#) [Search](#) [Tips](#)

[BSAFE](#)

24 words / 0 images / Created 2021-06-29

B	I	N	G	O
Safety is the key, its up to you and me	Remember to always be smart	Safety is no accident	Safety begins with teamwork	Safety is free use it generously
The best safety device is your head	Safety never takes a vacation	Safety, smart, be safe	Every day is safety day	Get in the safety habit
Keep your eyes on safety	At work, at home be the norm	Free! smart, be safe	Be smart, be safe	Get in the safety habit
A safer you is a safer me	Avoid the wags, put safety first	Safety is a choice you make	Safety fits like a glove	Before you do, take time through
Accident prevention is your mission	Lead the way, stay safe today	Safety is in your hands	Being smart starts here	Safety- its everyone's job

[BSAFE](#)

24 words / 0 images / Created 2017-07-12

B	I	N	G	O
background Assessment	Request	Emergency	SBAR	
Phlebotomy	Code pink	Fire hydrant	Oxygen wheechair	
Code 44	Slippery/Free!	Reorientation	Situation	
Patient Transport	Patient Biohazard	Code Red	Privacy	
Security	CP	Read Back	Communicable	Risk Management

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

T Text Replaced
[Old]: "15-1"
[New]: "1-1"

TText Replaced
[Old]: "39"
[New]: "37"

BSAFE 👍
0 words / 24 images / Created 2021-09-10

BSAFE 

24 words / 0 images / Created 2017-04-19

BSAFE 👍

24 words / 0 images / Created 2020-03-10

BSAFE BINGO 

30 words / 0 images / Created 2020-04-21

Page: 38

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Bathing Suit	Goggles	Rescue Tube	Knife	Gloves																			
Life Jacket	Watch	Pulse Oximeter	First Aid Kit	Trauma Bag																			

adjuster	Homeowner	premium	PIP	appraisal
insurer	deductible	Pru	exclusions	liability insurance

BSafe Bingo

24 words / 0 images / Created 2022-03-17

B	S	A	F	E
6	8	18	23	5
7	15	3	11	19
12	20	Free!	9	17
22	1	10	13	14
4	2	24	16	21

BSAFE BINGO

34 words / 0 images / Created 2022-08-19

B	I	N	G	O
Ladder Safety	Accident	OSHA	Pinch Point	Audits
Slip, trip, fall	Eco	Working at height	Bloodborne pathogens	Hotwork permit
Toolbox	Hazards	HSE	Storm	LOTO
Exit	Near Miss	Fire drill	Emergency	Lesson learnt
Temperature	WWTP	Assembly Point	Covid-19	Risk Assessment

Page: 39

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

US Patent & Trademark Office

B I N G O

S.S. Comfort	Parks closed	Beaches closed	Get People! It's not hard!	Look! Here's 22 boxes of pasta left over from 1771
Politics vs Science	Channing's dog ate his homework	Thank you for all the reporters	Panic shopping	ALEXAI Pour me more wine
Watched Tiger King	Jersey 4 Jersey	FREE morning news	Times Square a ghost town	Italy
Swear the King and Queen want love?	CDC	News from night	World Health Organization	Netflix
Stimulus CHECKS	UPS	Flatten the Curve	Covidiot	Virtual House Party w/cool

US Patent & Trademark Office

B S A F E

Reduce Excessive Force Motions	Electrical SDS	Motion Injury Prevention	Back Injury Prevention
Faceshields	Housekeeping Jacks	Air Hoses	Flammable Cabinets
Table Saws	Work in the Power Zone	Free! Bloodborne Pathogens Shielding	Allow for Movement
Bandsaws	Hearing Protection	LOTO	Eye Injury Prevention
Grinding	Preventing Strains and Sprains	Recording and Reporting Injuries and Illnesses	Compressed Gas Protection

Bingo Card Generator Bingo Cards Help Legal Login/Sign Up

PDFmyURL.com - convert URLs, web pages or even full websites to PDF online. Easy API for developers!

EXHIBIT 9

Page: 40

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:49:03 AM

EXHIBIT 9



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Bingo Cards > Title:"B-Safe" Bingo Cards

title: "b-safe"
☐ Only find cards with images
Clear Search Tips

B-SAFE

24 words / 0 images / Created 2016-02-10

B	S	A	F	E
Ergonomics	No	Pay	HAZCOM	Glass
Accidents	Attention			Safety
Safe	GMP's	Hearing	Machine	Back
Foods	Safety	Guarding	Safety	
Electrical	First Aid	Free!	Job	Eyes
Safety		Analysis	Hazard	On the
			Task	
Zero	Personal	Lockout	Fire	Slips,
Accidents	Protective	Tagout	Safety	Trips and
Equipment				Falls
Wet	Hand	Respiratory	Eye	Near
Floor	Safety	Protection	Protection	Miss
Danger				Reporting

B-SAFE

24 words / 0 images / Created 2017-08-13

1 similar card

B	S	A	F	E
2	41	57	60	61
17	6	40	13	65
29	10	Free!	59	35
32	1	72	48	73
55	25	70	26	22

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

TText Replaced
[Old]: "15-1"

TText Replaced
[Old]: "39"
[New]: "37"

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

T Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

T Text Replaced
[Old]: "15-1"
[New]: "1-1"

T Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:49:11 AM

EXHIBIT 10

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 31 of 39

Page: 43

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

BSAFE BINGO

34 words / 0 images / Created 2022-08-19

B	I	N	G	O
Ladder Safety	Accident	OSHA	Pinch Point	Audits
Slip, trip, fall	Eco	Working at height	Bloodborne pathogens	Hotwork permit
Toolbox	Hazards	HSE	Storm	LOTO
Exit	Near Miss	Fire drill	Emergency	Lesson learnt
Temperature	WWTP	Assembly Point	Covid-19	Risk Assessment

PR BSAFE BINGO

89 words / 0 images / Created 2020-04-21

B	I	N	G	O
U.S. Comfort	Parks closed	Beaches closed	Get Dogged! 60% of dogs passed a fun test!	1 inch! 1 inch! 22 boxes of pasta! 2 fun test!
Politics vs Science	Charging new equipment to the 4th	Thank you for the first line	Panic shopping	ALEXAI Pour me more wine
Watched Tiger King	Jersey 4	FREE	Times Square a town	Italy
Share the big and you want more?	CDC	News morning	World Health Organization	Netflix
Stimulus CHECKS	UPS	Flatten the Curve	Covidiot	Virtual House Party

PDFmyURL.com - convert URLs, web pages or even full websites to PDF online. Easy API for developers!

3/29/23, 4:37 PM Case 2:23-cv-01399-BHS Document 17-8 Filed 10/05/23 Page 50 of 114

EXHIBIT 11

Google

BSAFE Bingo

Images Shopping News Videos Maps Books Flights Finance

All filters

About 158,000 results (0.41 seconds)

Safety Star

https://safetystar.com › safety-bingo

B-Safe Safety Bingo - Kits, Cards and Supplies

Join thousands of organizations using our B-SAFE safety bingo program to improve employee safety awareness and reduce workers compensation expenses.

★★★★★ Rating: 4.5 · 2 votes

Amazon.com

https://www.amazon.com › B-Safe-Bingo-Safety-Prog...

B-Safe Safety Bingo Program : Toys & Games

The BSAFE Bingo's focal point is our heavy duty, easy to mount Game Poster. Our new technology Easy Wipe lamination allows you to effortlessly wipe off daily ...

Manufacturer: Safety Star Age Range (Description): Adult

Included Components: Cards

★★★★★ Rating: 4 · 5 reviews · \$299.00 · 30-day returns

Safety Bingo

https://www.safetybingo.com

Safety Bingo: Home

Behavioral-based safety awareness programs for every workplace! Workplace safety just got a lot more fun! ... Join the Safety Bingo family!

Shop · About · Contact

People also ask

How do you play workplace safety bingo?

How do you play double action bingo?

How do you play the board game bingo?

How do you play bingo for money?

Feedback

Bingo Baker

https://bingobaker.com › view

BSAFE BINGO Card

BSAFE BINGO bingo card with deductible, umbrella, underwriting, claim, insured, shared risk, Liability coverage, premium, Captive agent and Pru.

https://bingobaker.com › view

B SAFE Bingo Card

B SAFE bingo card with Personal Protective Equipment, Hand Safety, Hearing Safety, Wet Floor Danger, Glass Safety, Ergonomics, Safe Quality Foods, ...

LinkedIn

https://www.linkedin.com › posts

Daniel Batty's Post

We started BSafe Bingo now for one month. This keeps our staff engaged along with daily safety tips. Building a safety conscience company!

Page: 44

Maulin Shah	Date: 4/24/2023 1:43:01 PM
EXHIBIT 11	
Annotation Attributes Changed	
Text Replaced	[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23" [New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"
Text Replaced	[Old]: "39" [New]: "37"

https://www.google.com/search?q=BSAFE+Bingo&rlz=1C5CHFA_enUS917US917&ei=GKEkZM-wC8qe5NoPtiV4AU&ved=0ahUKEwjPhO3Y_oH-AhVKD1kF... 1/2

BSAFE Bingo - Google Search Case 2:23-cv-05440-DGE EXHIBIT 12 Filed 07/29/23 Page 33 of 39 3/29/23, 4:42 PM

Page: 45

Maulin Shah Date: 3/29/2023 2:01:06 PM

EXHIBIT 12

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"Text Replaced
[Old]: "15-1"
[New]: "1-1"Text Replaced
[Old]: "39"
[New]: "37"

https://www.google.com/search?q=BSAFE+Bingo&client=safari&rls...ouqRgIL-AhVMMVvKfHD55BBUQ_AUoAXoEAIQAw&biw=1440&bih=7978&dpr=2

Page 1 of 3

EXHIBIT 13

Search Tips

By default, BingoBaker will search the **title, and words/clues** for anything matching your query. Searches are case insensitive. But BingoBaker also has some advanced search operators you can use for better searching.

Quick Examples

`+title:animals +created:[2020-10-01 TO 2020-10-31]`
Find bingo cards with "animals" in the title, that were created during October, 2020

`corpus:"milton friedman" -economics`
Find bingo cards with a word or clue containing the exact phrase "milton friedman", but nothing in the BingoBaker mentions "economics".

`corpus:(milton friedman) +created:[2020-01-01 TO *]`
Find bingo cards with "milton" or "friedman" in any word/clue (with a preference for bingo cards containing both terms) that were created after the beginning of 2020.

`"milton friedman"`
Find bingo cards containing the exact phrase "Milton Friedman".

`milton friedman +items:[50 TO *]`
Find bingo cards containing the words milton or friedman (with a preference for bingo cards containing both terms) that have 50 or more words/images.

Should, Must and Must Not

You are probably used to using boolean operators like AND, OR and NOT for doing searches. BingoBaker uses different operators **+** (MUST) and **-** (MUST NOT). A space is implicit for the SHOULD operator.

Examples

`sin cos tan`
At least one of those terms must be in the card, with a preference for bingo cards that include more matching terms. These terms are implicitly joined with a space (which is the SHOULD operator).

`Milton +Friedman`
The term "Friedman" *must* be in the card somewhere, with a preference for bingo cards that mention "Milton" too.

`Economics economy -Friedman`
Find bingo cards that mention economics or economy that don't mention "Friedman" at all.

You can also use parentheses for grouping.

`Economics economy -(Friedman Hayek)`
Find bingo cards that mention economics or economy that don't mention "Friedman" nor "Hayek" at all.

Field Specific Searches (title, corpus, created, images, words, items, clues)

Page: 46

Text Replaced	
[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"	
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"	
Text Replaced	
[Old]: "39"	
[New]: "37"	
Maulin Shah	Date: 3/29/2023 2:01:21 PM

EXHIBIT 13

`title:(american history)` searches for bingo cards that have "american" or "history" in the title. The parentheses are required if you enter multiple words. Without parentheses, `title:american history` would find bingo cards with "american" in the title, or "history" anywhere within the card.

`corpus:"como se llama"` finds bingo cards with that exact phrase in any of the words/clues (the corpus field encompasses every word/clue).

`created:[2020-10-31 TO *]` finds bingo cards created on or after Halloween 2020.

`created:{2020-10-31 TO 2020-12-31}` finds bingo cards created after Halloween 2020, but before the new year (use {} for exclusive ranges, and [] for inclusive ranges).

`words:[50 TO 100]` finds bingo cards with 50 to 100 words (inclusive).

`images:[5 TO *]` finds bingo cards with 5 or more images.

`items:[75 TO *]` finds bingo cards with 75 or more words or images.

`clues:[25 TO *]` finds bingo cards with 25 or more clues.

Note: The free space does not count towards the words/images/items/clues count.

Page: 47

Text Replaced
[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"

Text Replaced
[Old]: "39"
[New]: "37"

Page: 48


Text Replaced
[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"

Text Replaced
[Old]: "39"
[New]: "37"

EXHIBIT 14

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 36 of 39

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)



Whip up a batch of bingo cards!

Login

Username or Email:

Password:

[Trouble logging in?](#)

Login

Join Bingo Baker!

A **lifetime** membership to Bingo Baker is just \$24.95. Benefits include:

- ✓ **Totally UNLIMITED Usage**
Create and use as many cards as you want. Print as many cards as you want, upload as many images as you want, and play with as many people as you want!
- ✓ **Privacy Control**
Make your games private and hide them from search engines.
- ✓ **A Custom Online Bingo Experience**
Change the play online instructions/text; collect the name, email, or other identifier from online players; customize the bingo dauber. No BingoBaker branding on any page!
- ✓ **Real-time Bingo Dashboard**
See every player's card in real-time. Quickly verify a bingo. Invite players via email directly from Bingo Baker. Clear, scramble and delete cards easily. and more!

Sign Up!

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)




EXHIBIT 15
Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 37 of 39
The Wayback Machine - https://web.archive.org/web/20150323191934/https://bingobaker.com/account/login/
[Home](#) | [Login/Sign Up](#) | [Search for Bingo Cards](#) | [About](#)



Login

Username:

Password:

Login

If you forget your password, you can [reset it](#)

Become a Bingo Baker Member

It's \$9.95 for a lifetime membership. Member benefits include:

- A fancy bingo card manager
- Full printing capabilities (more than 8 cards)
- Editing privileges
- A public list of all your bingo cards (ex: [bingobaker.com/1](#))

Sign Up!

Page: 49

Text Replaced
[Old]: "Case 3:23-cv-05440-DGE 15 Document 15-1 Filed 07/28/23"
[New]: "1 Case 2:23-cv-01399 5 Document 1-1 Filed 09/08/23"

Font "LiberationSans" changed to "ArialNarrow-Bold".
Font-size "12" changed to "24".
Font-color changed.

Text Replaced
[Old]: "39"
[New]: "37"

EXHIBIT 16**TRADEMARK ASSIGNMENT AGREEMENT**

WHEREAS, Beau Culbertson, having an address as 8206 Interlochen Dr, Nixa, Missouri 65714 (hereinafter referred to as ASSIGNOR), is the owner of the following trademarks (hereinafter, "Trademarks"), together with the goodwill of the business symbolized thereby in connection with the goods and services on which the Trademarks are used:

Ref. #	Mark
U.S. Trademark Reg. # 3032329	B-SAFE
U.S. Trademark Reg. # 5660503	BSAFE BINGO

WHEREAS, Safety Star LLC., a limited liability company organized under the law of the State of Missouri, and having a business address at 8206 Interlochen Dr., Nixa, Missouri 65714 (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire right, title and interest in and to the Trademarks;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to the Trademarks together with: (1) the goodwill of the business relating to the goods and services in respect upon which the Trademarks are respectively used and for which they are registered; (2) all income, royalties, and damages hereafter due or payable to Assignor with respect to the Trademarks, including without limitation, damages, and payments for past or future infringements and misappropriations of the Trademarks; and (3) all rights to sue for past, present and future infringements or misappropriations of the Trademarks; the Trademarks to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorize and request the Commissioner of Patents and Trademarks to assign the Trademarks to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the for litigation regarding the Trademarks, or for the purpose of protecting title to the Trademarks therefor.

6/4/2018
Date

Beau Culbertson
Beau Culbertson (Assignor)

Page: 50

Page Deleted

Maulin Shah Date: 7/26/2023 12:06:42 PM

EXHIBIT 16

Case 3:23-cv-05440-DGE Document 15-1 Filed 07/28/23 Page 39 of 39

Safety Star LLC Trademark Assignment

I certify that I know or have satisfactory evidence that Beau Culbertson signed this instrument of his/her own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Date 6/4/2018 Signed at Clark, Mo USA
(City, State or Country)
Carrie Tryon Carrie Tryon
(Name of Witness) (Signature of Witness)

6/4/2018 SAFETY STAR, LLC
Beau Culbertson (Assignee)
Date (Signatory Signature)

Beau Culbertson / Managing Member
(Assignee Signatory Name, Title)

Page: 51

Page Deleted

EXHIBIT 8B

Safety Star II Complaint

10/2/23, 7:02:50 PM

Compare Results

Summary of Comments on Ex. 8_Compare Report - Safety
Star I Amended Complaint to Safety Star II Complaint.pdf

This page contains no comments

Old File:

**Dkt. 15 - Safety Star Amended Complaint
w_Exhibits.pdf**

50 pages (4.55 MB)
7/28/23, 9:31:11 AM

versus

New File:

Dkt. 1 - SSII Complaint w_exhibits.pdf

50 pages (4.04 MB)
9/8/23, 6:48:55 PM

Total Changes

357

Content

204 Replacements
81 Insertions
69 Deletions

Styling and
Annotations

1 Styling
2 Annotations

Go to First Change (page 1)

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15"
[New]: "1"
- Text Replaced
[Old]: "11"
[New]: "13"
- Text Inserted
"FLOOR NEW YORK, NEW YORK 10105 1 2 3 4 5 6 7 8 9"
- Text Replaced
[Old]: "23-05440-DGE 12 13 14 15 Plaintiff, vs. APTIBYTE, LLC, a Washington limited liability company, FIRST AMENDED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN, UNFAIR COMPETITION, AND TORTIOUS INTERFERENCE WITH ECONOMIC RELATIONS"
[New]: "2:23-CV-01399 COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN, CONTRIBUTORY TRADEMARK INFRINGEMENT, AND VICARIOUS TRADEMARK INFRINGEMENT DEMAND FOR JURY TRIAL 12 Plaintiff, vs. APTIBYTE, LLC, a Washington limited liability company, 13 14 15"

Font-color changed.
- Text Replaced
[Old]: "1 2 3 4 5 6 7 8 9"
[New]: "ENVISION IP LLC."
- Font "TimesNewRomanPSMT" changed to "GoudyOldStyleT-Regular".
Font-size "13.92" changed to "0".
- Text Inserted
"1345 AVENUE OF THE AMERICAS 2 ND"
- Text Inserted
"
- Text Deleted
"
- Text Inserted
"LAW OFFICES"
- Text Inserted
"
- Text Replaced
[Old]: "ENVISION IP LLC. LAW OFFICES 1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 27 28"
[New]: "27 28 COMPLAINT CASE NO. _____"
- Font "GoudyOldStyleT-Regular" changed to "TimesNewRomanPSMT".
Font-size "0" changed to "13.92".

ENVISION IP
LLC
1345 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10105

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SAFETY STAR, LLC., a Missouri
limited liability company,

Plaintiff,

vs.
APTIBYTE, LLC, a Washington
limited liability company,

Defendant.

Civil Action No. 2:23-CV-01399

COMPLAINT FOR TRADEMARK
INFRINGEMENT, FALSE
DESIGNATION OF ORIGIN,
CONTRIBUTORY TRADEMARK
INFRINGEMENT, AND
VICARIOUS TRADEMARK
INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT
CASE NO. _____

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 2 of 13

Page: 2

1 Plaintiff Safety Star, LLC ("Plaintiff"), by and through its attorneys, files this
 2 Complaint ("Complaint") against Defendant Aptibyte LLC ("Defendant"), alleging
 3 as follows:

4 PARTIES

5 1. Plaintiff is a Missouri limited liability company that provides an array
 6 of safety awareness programs and products, including safety bingo kits and cards.
 7 Plaintiff has been in business for over 30 years, and has a principal place of
 8 business in Ozark, Missouri.

9 2. Defendant is a Washington limited liability company having a
 10 principal place of business at 10013 NE Hazel Dell Ave., # 212, Vancouver, WA
 11 98685-5203, and a registered address at 605 NW 94th St., Vancouver, WA 98665.

12 3. On information and belief, Defendant occasionally does business
 13 under its company name.

14 4. On information and belief, Defendant is also does business under the
 15 fictitious name "Bingo Baker".

17 JURISDICTION AND VENUE

18 5. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331
 19 and 1338, in that this action arises under Acts of Congress relating to trademarks,
 20 and the claims for unfair competition under state law are joined with substantial
 21 and related claims brought under the federal trademark laws.

22 6. This court likewise has diversity jurisdiction under 28 U.S.C. § 1332
 23 in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of
 24 interests and costs, and is between citizens of different states in that Plaintiff has its
 25 principal place of business in the state of Missouri, and Defendant has its principal
 26 place of business in the state of Washington.

27 7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) in
 28 that a substantial part of the events giving rise to the claim occurred in this district

COMPLAINT
 Case No. 23-05440-DGE

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15"
 [New]: "1"

Text Replaced
 [Old]: "11"
 [New]: "13"

Text Deleted
 "First Amended"

Text Deleted
 "FIRST AMENDED"

Text Deleted
 "23-05440-DGE"

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 3 of 13

1 and that Defendant is subject to the court's subject matter and/or personal
 2 jurisdiction with respect to this action as indicated in the preceding paragraphs.

3 FACTUAL BACKGROUND

4
 5 8. Plaintiff was founded by Mr. Albert Culbertson in 1989, and since its
 6 founding, Plaintiff has sold a variety of safety awareness programs and products to
 7 consumers throughout the United States and across the world.

8 9. Plaintiff has manufactured, marketed, and sold a proprietary safety
 9 bingo program under the trademarks B-SAFE and BSAFE BINGO (the "B-SAFE
 10 Bingo Program") since January 1992, long before Defendant's acts described
 11 herein.

12 10. Since at least January 1992, Plaintiff has continuously manufactured,
 13 marketed, and sold the B-SAFE Bingo Program in commerce throughout the
 14 United States.

15 11. Plaintiff has invested significant time, effort, and expense in
 16 advertising, marketing, and promoting the B-SAFE Bingo Program, and has
 17 enjoyed significant consumer recognition and goodwill as a result.

18 12. Attached as **Exhibit 1** is a true and correct copy of a game card from
 19 Plaintiff's B-SAFE Bingo Program.

20 13. Plaintiff markets and offers for sale its B-SAFE Bingo Program
 21 directly to consumers, such as through its website at www.safetystar.com as shown
 22 in **Exhibit 2**.

23 14. Plaintiff's continuous and exclusive use of its B-SAFE and BSAFE
 24 BINGO trademarks and the intellectual property associated therewith resulted in
 25 generating goodwill and consumer recognition in connection with the B-SAFE
 26 Bingo Program throughout the United States.

27 15. Consumers therefore recognize the B-SAFE Bingo Program as the
 28 original and authentic safety bingo product that they trust for their workplace

Page: 3

Text Replaced
 [Old]: "07/28/23"
 [New]: "09/08/23"

Text Replaced
 [Old]: "3:23-cv-05440-DGE"
 [New]: "2:23-cv-01399"

Text Replaced
 [Old]: "15"
 [New]: "1"

Text Replaced
 [Old]: "11"
 [New]: "13"

Text Deleted
 "FIRST AMENDED"

Text Deleted
 "23-05440-DGE"

1 safety training efforts.

2 **PLAINTIFF'S TRADEMARKS**

3 16. Plaintiff is the owner of the following U.S. Trademark Registrations
4 for use in connection with its B-SAFE Bingo Program (collectively, the "B-SAFE
5 Trademarks"):

6 Mark	7 Reg. No.	8 Goods/Services	9 Filing Date	10 Reg. Date
11 B-SAFE	12 3032329	13 Bingo-type game 14 cards for use in 15 promoting safety.	16 January 8, 17 2005	18 December 19 20, 2005
20 BSAFE BINGO	21 5660503	22 Board games 23 designed to promote 24 employee safety 25 awareness.	26 June 4, 27 2018	28 January 22, 29 2019

30 17. True and correct copies of the foregoing registrations are attached as
31 Exhibits 3 & 4.

32 18. Plaintiff's B-SAFE Trademarks are "prima facie evidence of the
33 validity of the registered mark[s] and of the registration of the mark[s], of
34 [Plaintiff's] ownership of the mark[s], and of the [Plaintiff's] exclusive right to use
35 the registered mark[s] in commerce on or in connection with the goods or services
36 specified in the certificate . . ." pursuant to 15 U.S.C. § 1057.

37 19. Plaintiff's U.S. Trademark Reg. No. 3032329 for B-SAFE was filed
38 for before and registered before Defendant's infringing use commenced.

39 20. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the
40 trademarks have become uniquely associated with Plaintiff.

41 21. The B-SAFE Trademarks are inherently distinctive, and Plaintiff's
42 use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on
43 its bingo cards, as described herein.

Page: 4

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Inserted
"3"

Text Deleted
"3"

Text Inserted
"6"

Text Deleted
"6"

Text Inserted
"

Graphic Element Inserted

Graphic Element Inserted

Text Inserted
"12"

Graphic Element Deleted

Text Deleted
"

Text Deleted
"12"

Graphic Element Deleted

Text Deleted
"19."

Text Deleted

"A true and correct copy of a trademark assignment agreement dated June 4, 2018 that provides Plaintiff sole title and right to the B-SAFE Trademarks, and thus, standing to bring this Complaint is attached as Exhibit 16."

Text Replaced
[Old]: "20."
[New]: "19."

Text Inserted

"20. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the trademarks have become uniquely associated with Plaintiff."

Text Replaced

[Old]: "As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the trademarks have become uniquely associated with Plaintiff."
[New]: "The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar

Comments from page 4 continued on next page

1 safety training efforts.

2 **PLAINTIFF'S TRADEMARKS**

3
4 16. Plaintiff is the owner of the following U.S. Trademark Registrations
5 for use in connection with its B-SAFE Bingo Program (collectively, the "B-SAFE
6 Trademarks"):

7 Mark	8 Reg. No.	9 Goods/Services	10 Filing Date	11 Reg. Date
12 B-SAFE	13 3032329	14 Bingo-type game 15 cards for use in 16 promoting safety.	17 January 8, 18 2005	19 December 20 20, 2005
21 BSAFE BINGO	22 5660503	23 Board games 24 designed to promote 25 employee safety 26 awareness.	27 June 4, 28 2018	January 22, 2019

17. True and correct copies of the foregoing registrations are attached as
18 **Exhibits 3 & 4.**

19 18. Plaintiff's B-SAFE Trademarks are "prima facie evidence of the
20 validity of the registered mark[s] and of the registration of the mark[s], of
21 [Plaintiff's] ownership of the mark[s], and of the [Plaintiff's] exclusive right to use
22 the registered mark[s] in commerce on or in connection with the goods or services
23 specified in the certificate . . ." pursuant to 15 U.S.C. § 1057.

24 19. Plaintiff's U.S. Trademark Reg. No. 3032329 for B-SAFE was filed
25 for before and registered before Defendant's infringing use commenced.

26 20. As a result of Plaintiff's extensive use of its B-SAFE Trademarks, the
27 trademarks have become uniquely associated with Plaintiff.

28 21. The B-SAFE Trademarks are inherently distinctive, and Plaintiff's
use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on
its bingo cards, as described herein.

use on its bingo cards, as described herein."

Text Inserted

"26"

Text Deleted

"26"

Text Deleted

"FIRST AMENDED"

Text Deleted

"23-05440-DGE"

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 65 of 114

DEFENDANT'S INFRINGING ACTIVITIES

22. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district.

23. Defendant is engaged in the business of operating an online bingo card system at its website www.bingobaker.com. Attached as **Exhibit 5** is a screenshot of Defendant's website dated March 29, 2023.

24. Defendant's website is generally directed to all consumers, including those in this district.

25. Defendant offers bingo cards with the marks BSAFE, B SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website.

26. Defendant offers bingo cards with the marks BSAFE, B-SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to utilize as digital bingo cards.

27. On information and belief, Defendant has offered bingo cards bearing the B-SAFE Trademarks since at least 2017. A true and correct copy of one of Defendant's bingo cards bearing the mark BSAFE is attached as **Exhibit 6** which shows a "created" date of 2017-04-19, years after Plaintiff had established rights and goodwill in and to the B-SAFE Trademarks.

28. Defendant's bingo cards are identical or highly similar to the cards included in Plaintiff's B-SAFE Bingo Program.

29. Defendant further hosts these identical or highly similar bingo cards generated by customers on its server(s), whereby these bingo cards are searchable and accessible to Internet users.

30. As such, Defendant allows consumers to generate, distribute, and print bingo cards bearing the B-SAFE Trademarks, thereby circumventing Plaintiff's commercial goods.

Page: 5

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Deleted
"22."

Text Deleted
"2 3"

Text Inserted
"22. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district."

Text Inserted
"2 ENVISION IP"

Text Inserted
"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 3 4"

Text Deleted
"Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district. 24."

Text Inserted
"24. Defendant's website is generally directed to all consumers, including those in this district."

Text Replaced
[Old]: "Defendant's website is generally directed to all consumers, including those in this district."
[New]: "Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website."

Graphic Element Deleted

Text Deleted
"Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website."

Text Inserted
"

Graphic Element Inserted

Graphic Element Inserted

Text Inserted
"Defendant offers bingo cards with the marks BSAFE, B SAFE, BSAFE, and BSAFE BINGO, all of which are available to consumers to utilize as digital bingo cards."

Graphic Element Inserted

Text Deleted
"

Text Inserted

Comments from page 5 continued on next page

Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 5 of 13

DEFENDANT'S INFRINGING ACTIVITIES

22. Defendant is engaged in the creation and distribution of bingo cards bearing the B-SAFE Trademarks to consumers in this district.

23. Defendant is engaged in the business of operating an online bingo card system at its website www.bingobaker.com. Attached as **Exhibit 5** is a screenshot of Defendant's website dated March 29, 2023.

24. Defendant's website is generally directed to all consumers, including those in this district.

25. Defendant offers bingo cards with the marks BSAFE, B SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to download and print at Defendant's website.

26. Defendant offers bingo cards with the marks BSAFE, B SAFE, B-SAFE, and BSAFE BINGO, all of which are available to consumers to utilize as digital bingo cards.

27. On information and belief, Defendant has offered bingo cards bearing the B-SAFE Trademarks since at least 2017. A true and correct copy of one of Defendant's bingo cards bearing the mark BSAFE is attached as **Exhibit 6** which shows a "created" date of 2017-04-19, years after Plaintiff had established rights and goodwill in and to the B-SAFE Trademarks.

28. Defendant's bingo cards are identical or highly similar to the cards included in Plaintiff's B-SAFE Bingo Program.

29. Defendant further hosts these identical or highly similar bingo cards generated by customers on its server(s), whereby these bingo cards are searchable and accessible to Internet users.

30. As such, Defendant allows consumers to generate, distribute, and print bingo cards bearing the B-SAFE Trademarks, thereby circumventing Plaintiff's commercial goods.

"LAW OFFICES"

Text Inserted

"LLC."

Graphic Element Deleted

Text Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Deleted

"The B-SAFE Trademarks are inherently distinctive, and Plaintiff's use of its B-SAFE Trademarks pre-dates Defendant's confusingly similar use on its bingo cards, as described herein. 4"

Text Deleted

Text Deleted

"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105"

Text Deleted

"ENVISION IP LLC, LAW OFFICES"

Text Deleted

"FIRST AMENDED"

Text Deleted

"23-05440-DGE"

Case 2:23-cv-01399 Document 17 Filed 09/08/23 Page 6 of 13

Page: 6

31. On or about March 23, 2020, shortly after learning of Defendant's unauthorized use of the B-SAFE Trademarks for bingo cards, Plaintiff sent a cease and desist letter to Defendant. Attached as **Exhibit 7** is a true and correct copy of the cease and desist letter.

32. To date, Defendant has not ceased infringing use of the B-SAFE Trademarks and has expanded the number of bingo cards bearing the B-SAFE Trademarks, all of which directly overlap with Plaintiff's products and registered rights. Attached as **Exhibits 8-10** are screenshots from Defendant's website showing numerous bingo cards bearing the BSAFE, B SAFE, B-SAFE, and BSAFE BINGO marks.

33. Defendant's infringing bingo cards appear on the first page of search results during a query for the phrase "BSAFE Bingo" on Google®. Attached as **Exhibit 11** is a screenshot of this query conducted on March 29, 2023.

34. Defendant's infringing bingo cards appear throughout the first page of image search results during a query for the phrase "BSAFE Bingo" on Google®. Attached as **Exhibit 12** is a screenshot of the image search results for the query conducted on March 29, 2023.

35. Upon information and belief, Defendant has tagged the BSAFE-related bingo cards available on its website with the terms BSAFE and B-SAFE for search engine optimization purposes, which has resulted in these infringing bingo cards to appear prominently in the aforementioned search results.

36. Defendant provides a "Search Tips" section on its website at www.bingobaker.com/tips. These "Search Tips" provide consumers with instructions on how to perform advanced searching using a query language. Attached as **Exhibit 13** is a screenshot of Defendant's website dated March 29, 2023.

37. Defendant's "Search Tips" provide consumers instructions on how to restrict or block certain terms from appearing in the results. For example,

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Deleted
"FIRST AMENDED"

Text Deleted
"23-05440-DGE"

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 68 of 114

Page: 7

1 Defendant states that the query “corpus: ‘milton friedman economics’” results in
 2 “bingo cards with a word or clue containing the exact phrase ‘milton friedman’
 3 but nothing in the BingoBaker mentions ‘economics’.” *See id.* Upon information
 4 and belief, Defendant could have implemented a similar software mechanism to
 5 prevent consumers from generating bingo cards that incorporate the B-SAFE
 6 Trademarks upon receiving Plaintiff’s cease and desist letter.

7 38. Defendant offers and advertises a paid membership to its website
 8 which allows customers to access bingo cards generated and hosted by Defendant,
 9 including B-SAFE related bingo cards. Attached as **Exhibit 14** is a screenshot of
 10 Defendant’s website dated July 17, 2023 that allows customers to sign up for a
 11 membership for \$24.95.

12 39. Defendant has offered a paid membership to its website since at least
 13 March 23, 2015. Attached as **Exhibit 15** is an Archive.org screenshot of
 14 Defendant’s website dated March 23, 2015 that allows customers to sign up for a
 15 membership.

16 40. Defendant’s offering of bingo cards so similar to, and under identical
 17 marks, has harmed Plaintiff.

18 41. Defendant is not in any way affiliated with Plaintiff, has used the B-
 19 SAFE Trademarks without authorization, without Plaintiff’s consent, and has
 20 therefore interfered with Plaintiff’s prospective economic advantage as a result of
 21 allowing potential consumers of circumvent purchasing Plaintiff’s B-SAFE Bingo
 22 Program, all while infringing Plaintiff’s rights.

23 42. Defendant’s continued use of the B-SAFE Trademarks and branding
 24 efforts related to its bingo cards will confuse consumers. Defendant’s continued
 25 efforts to trade off Plaintiff’s goodwill will continue to cause Plaintiff harm.

Text Replaced
 [Old]: “07/28/23”
 [New]: “09/08/23”

Text Replaced
 [Old]: “3:23-cv-05440-DGE”
 [New]: “2:23-cv-01399”

Text Replaced
 [Old]: “15”
 [New]: “1”

Text Replaced
 [Old]: “11”
 [New]: “13”

Text Deleted
 “26”

Text Replaced
 [Old]: “FIRST CAUSE OF ACTION”
 [New]: “26 27”

Font “TimesNewRomanPS-BoldMT” changed to “TimesNewRomanPSMT”.

Text Deleted
 “28”

Text Replaced
 [Old]: “23-05440-DGE”
 [New]: “28”

Font-size “11.04” changed to “13.92”.
 Font-color changed.

Text Deleted
 “FIRST AMENDED”

ENVISION IP
 LAW OFFICES
 1345 AVENUE OF THE AMERICAS
 28TH FLOOR
 NEW YORK, NEW YORK 10013

FIRST CAUSE OF ACTION

(Federal Trademark Infringement [Lanham Act, 15 U.S.C. § 1114])

43. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 42, inclusive, and incorporates them as though fully set forth by this reference herein.

44. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive. As such, Defendant's use of the B-SAFE Trademarks constitutes an infringement of Plaintiff's trademarks.

45. Defendant profits from its commercial use of the B-SAFE Trademarks by selling memberships to its website where customers can obtain bingo cards bearing the B-SAFE Trademarks.

46. Defendant's infringing actions are intentional and willful, as Defendant expanded its use of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

47. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

48. Defendant's intentional actions are willful and render this an exceptional case, further entitling Plaintiff to recovery of trebled damages, attorneys' fees and costs of suit as detailed in 15 U.S.C. § 1117.

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "11"
[New]: "13"

Text Replaced
[Old]: "27"
[New]: "1"

Text Inserted
"FIRST CAUSE OF ACTION"

Text Deleted
"-1"

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Deleted

Text Replaced
[Old]: "SECOND CAUSE OF ACTION (False Designation of Origin [Lanham Act, 15 U.S.C.]
[New]: "27"

Font "TimesNewRomanPS-BoldMT" changed to "TimesNewRomanPSMT".

Text Deleted
"\$ 1125(a))]"

Text Replaced
[Old]: "23-05440-DGE"
[New]: "28"

Font-size "11.04" changed to "13.92".
Font-color changed.

Text Deleted
"FIRST AMENDED"

ENVISION IP
LAW OFFICES
1345 AVENUE OF THE
STARS
SUITE 200
NEW YORK, NEW YORK 10105

Case 2:23-cv-01399 Document 17 Filed 09/08/23 Page 9 of 13

SECOND CAUSE OF ACTION**(False Designation of Origin [Lanham Act, 15 U.S.C. § 1125(a)])**

49. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 48, inclusive, and incorporates them as though fully set forth by this reference herein.

50. In addition to its federally registered trademarks, Plaintiff is the owner of common law rights for B-SAFE Trademarks.

51. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff.

52. Defendant's use of the B-SAFE Trademarks is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's goods, services, or commercial activities by Plaintiff.

53. Defendant's use of the B-SAFE Trademarks in advertising and branding is a blatant attempt to capitalize on the goodwill established by Plaintiff.

54. Defendant's infringing actions are intentional and willful, as Defendant expanded its uses of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

55. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of the B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

Page: 9

Graphic Element Inserted

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"Text Replaced
[Old]: "15"
[New]: "1"Text Replaced
[Old]: "11"
[New]: "13"Text Replaced
[Old]: "27"
[New]: "1"Text Inserted
"SECOND CAUSE OF ACTION (False Designation of Origin [Lanham Act, 15 U.S.C. § 1125(a)])"Text Deleted
"28"Text Deleted
"1"Text Deleted
"Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark BSAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's BSAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff."Text Inserted
"Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark BSAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's BSAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff."

Graphic Element Inserted

Graphic Element Deleted

Graphic Element Inserted

Text Deleted
"Text Inserted
"

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Inserted
"the"

Comments from page 9 continued on next page

COMPLAINT
Case No.:

- 9 -

ENVISION IP
LLC
100 WALL STREET
SUITE 200
NEW YORK, NY 10038

SECOND CAUSE OF ACTION**(False Designation of Origin [Lanham Act, 15 U.S.C. § 1125(a)])**

49. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 48, inclusive, and incorporates them as though fully set forth by this reference herein.

50. In addition to its federally registered trademarks, Plaintiff is the owner of common law rights for B-SAFE Trademarks.

51. Defendant's use in commerce of words, terms, or names, or any combination thereof, consisting of or including the confusingly similar mark B-SAFE, and/or derivatives thereof constitutes a colorable imitation of Plaintiff's B-SAFE Trademarks, and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff.

52. Defendant's use of the B-SAFE Trademarks is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, or as to the origin, sponsorship, or approval of Defendant's goods, services, or commercial activities by Plaintiff.

53. Defendant's use of the B-SAFE Trademarks in advertising and branding is a blatant attempt to capitalize on the goodwill established by Plaintiff.

54. Defendant's infringing actions are intentional and willful, as Defendant expanded its uses of the B-SAFE Trademarks with actual knowledge of Plaintiff's rights.

55. Defendant's acts of infringement have caused and are causing actual damage and irreparable harm to Plaintiff, for which legal remedies are inadequate. Therefore, in addition to monetary remedies, Plaintiff seeks injunctive relief to permanently bar Defendant from use of the B-SAFE Trademarks, and any confusingly similar marks in commerce in connection with their products, services, or offerings.

Text Inserted

"27"

Text Inserted

"-9 COMPLAINT Case No. 28"

56. Defendant's intentional actions are willful and reader this an exceptional case, further entitling Plaintiff to recovery of trebled damages and its attorneys' fees and costs of suit as detailed in 15 U.S.C. § 1117.

THIRD CAUSE OF ACTION

(Contributory Trademark Infringement)

57. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 56, inclusive, and incorporates them as though fully set forth by this reference herein.

58. Defendant has been and continues to be aware of – and has been and continues to contribute to – the infringement of the B-SAFE Trademarks by prominently displaying and promoting infringing bingo cards which are generated by, and hosted on, its website.

59. Defendant's website is configured such that a search for the mark "BSAFE" or "B-SAFE" will lead directly to the infringing bingo cards which have been generated by, and which are hosted on, its website.

60. Defendant, through software operating on or via its website, generates and distributes the infringing bingo cards to consumers.

61. Alternatively, Defendant has remained willfully blind to the infringement of the B-SAFE Trademarks on its website and on the bingo cards it generates and distributes to consumers.

62. Plaintiff has been damaged by and Defendant has profited from Defendant's contributory trademark infringement.

63. To remedy Defendant's contributory trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act.

Graphic Element Inserted

Text Inserted

"Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 10 of 13"

Text Inserted

"1 2 3"

Text Inserted

"4 5"

Text Inserted

"6 THIRD CAUSE OF ACTION (Contributory Trademark Infringement) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 57. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 56, inclusive, and incorporates them as though fully set forth by this reference herein. 58. Defendant has been and continues to be aware of – and has been and continues to contribute to – the infringement of the B-SAFE Trademarks by prominently displaying and promoting infringing bingo cards which are generated by, and hosted on, its website. 59. Defendant's website is configured such that a search for the mark "BSAFE" or "B-SAFE" will lead directly to the infringing bingo cards which have been generated by, and which are hosted on, its website. 60. Defendant, through software operating on or via its website, generates and distributes the infringing bingo cards to consumers. 61. Alternatively, Defendant has remained willfully blind to the infringement of the B-SAFE Trademarks on its website and on the bingo cards it generates and distributes to consumers. 62. Plaintiff has been damaged by and Defendant has profited from Defendant's contributory trademark infringement. 63. To remedy Defendant's contributory trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act. ENVISION IP L.L.C. LAW OFFICES"

Graphic Element Inserted

Text Inserted

"1345 AVENUE OF THE AMERICAS 2 ND FLOOR NEW YORK, NEW YORK 10105 27"

Graphic Element Inserted

Text Inserted

Graphic Element Inserted

Text Inserted

Text Deleted

"27 28"

Text Replaced

[Old]: "23-05440-DGE - 9"

[New]: "28 - 10"

Font-size "11.04" changed to "13.92".

Font-color changed.

Text Deleted

"FIRST AMENDED"

ENVISION IP
L.L.C.
1345 AVENUE OF THE AMERICAS
2ND FLOOR
NEW YORK, NEW YORK 10105

Page: 11

FOURTH CAUSE OF ACTION**(Vicarious Trademark Infringement)**

64. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 63, inclusive, and incorporates them as though fully set forth by this reference herein.

65. Defendant and third-parties who design the infringing bingo cards on Defendant's website are in an apparent or actual partnership and/or exercise joint ownership or control over the infringing bingo cards generated by Defendant.

66. Defendant is thus vicariously liable for the trademark infringement of the third-parties who design and generate the infringing bingo cards on and through Defendant's website.

67. Plaintiff has been damaged by and Defendant has profited from Defendant's vicarious trademark infringement.

68. To remedy Defendant's vicarious trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays the Court enter judgment against Defendant as follows:

1. That the Court render a final judgment in favor of Plaintiff and against Defendant on all claims for relief alleged herein;
2. That the Court render a final judgment that Defendant has willfully violated the provisions of 15 U.S.C. § 1114 by infringing Plaintiff's federally registered trademarks;
3. That the Court render a final judgment that Defendant has violated the provisions of 15 U.S.C. § 1125(a) by willfully infringing the B-SAFE Trademarks by using a false designation of origin, through the marketing, sale, and promotion

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15"
[New]: "1"

Text Replaced
[Old]: "10"
[New]: "11"

Text Replaced
[Old]: "11"
[New]: "13"

Text Inserted
"FOURTH CAUSE OF ACTION (Vicarious Trademark Infringement) ENVISION IP LLC."

Graphic Element Inserted

Text Inserted
"19 20 21 22 23 24 25 26 64. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 63, inclusive, and incorporates them as though fully set forth by this reference herein. 65. Defendant and third-parties who design the infringing bingo cards on Defendant's website are in an apparent or actual partnership and/or exercise joint ownership or control over the infringing bingo cards generated by Defendant. 66. Defendant is thus vicariously liable for the trademark infringement of the third-parties who design and generate the infringing bingo cards on and through Defendant's website."

Text Inserted
"1345 AVENUE OF THE AMERICAS"

Text Inserted
"ND FLOOR NEW YORK, NEW YORK 10105"

Text Replaced
[Old]: "13"
[New]: "67. Plaintiff has been damaged by and Defendant has profited from Defendant's vicarious trademark infringement. 68. To remedy Defendant's vicarious trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act."

Text Inserted
"LAW OFFICES"

Text Inserted
"13 14 15 16 17 18"

Graphic Element Deleted

Text Deleted
"ND FLOOR NEW YORK, NEW YORK 10105"

Text Inserted
"

Text Deleted
"2"

Graphic Element Deleted

Graphic Element Inserted

Comments from page 11 continued on next page

Case 2:23-cv-01399 Document 17 Filed 09/08/23 Page 11 of 13

FOURTH CAUSE OF ACTION**(Vicarious Trademark Infringement)**

64. Plaintiff re-alleges each and every allegation set forth in Paragraphs 1 through 63, inclusive, and incorporates them as though fully set forth by this reference herein.

65. Defendant and third-parties who design the infringing bingo cards on Defendant's website are in an apparent or actual partnership and/or exercise joint ownership or control over the infringing bingo cards generated by Defendant.

66. Defendant is thus vicariously liable for the trademark infringement of the third-parties who design and generate the infringing bingo cards on and through Defendant's website.

67. Plaintiff has been damaged by and Defendant has profited from Defendant's vicarious trademark infringement.

68. To remedy Defendant's vicarious trademark infringement, Plaintiff is entitled to all of the remedies set forth above for direct trademark infringement and false designation of origin under the Lanham Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays the Court enter judgment against Defendant as follows:

1. That the Court render a final judgment in favor of Plaintiff and against Defendant on all claims for relief alleged herein;
2. That the Court render a final judgment that Defendant has willfully violated the provisions of 15 U.S.C. § 1114 by infringing Plaintiff's federally registered trademarks;
3. That the Court render a final judgment that Defendant has violated the provisions of 15 U.S.C. § 1125(a) by willfully infringing the B-SAFE Trademarks by using a false designation of origin, through the marketing, sale, and promotion

COMPLAINT
Case No.

- 11 -

Graphic Element Deleted

Text Replaced
[Old]: "PRAYER FOR RELIEF"
[New]: "2"

Font "TimesNewRomanPS-BoldMT" changed to "GoudyOldStyleT-Regular".
Font-size "13.92" changed to "0".

Text Deleted
"LAW OFFICES"

Graphic Element Inserted

Text Deleted
"

Text Deleted
"1345 AVENUE OF THE AMERICAS"

Text Deleted
"ENVISION IP LLC."

Text Inserted
"PRAYER FOR RELIEF"

Graphic Element Inserted

Text Deleted

"For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property; 8. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and"

Text Deleted

"That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;"

Text Deleted

"the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards."

Text Deleted

"4. For pre-judgment interest on all amounts claimed as permitted by law; 5. For an order of permanent injunction, enjoining Defendant from using"

Text Deleted

"of Defendant's products; 14 15"

Text Deleted

"16 17 18 19 20 21 22 23 24 25 26"

Text Deleted

"6."

Text Deleted

"7."

Text Deleted

"FIRST AMENDED"

Text Replaced

[Old]: "23-05440-DGE -10"
[New]: "-11"

Font-size "11.04" changed to "13.92".
Font-color changed.

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 12 of 13

Page: 12

Graphic Element Inserted

Text Replaced

[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced

[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced

[Old]: "15"
[New]: "1"

Text Replaced

[Old]: "11"
[New]: "12"

Text Replaced

[Old]: "11"
[New]: "13"

Text Replaced

[Old]: "9. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and 10. For such other, further, and different relief as the Court may deem proper under the circumstances."
[New]: "of Defendant's products; 4. That the Court render a final judgment that Defendant has contributorily infringed Plaintiff's federal registered trademarks; 3 4 5 6 7 6. For pre-judgment interest on all amounts claimed as permitted by law; 7. For an order of permanent injunction, enjoining Defendant from using 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards. 8. That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116; 9. For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property; 10. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and 11. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and 12. For such other, further, and different relief as the Court may deem proper under the circumstances. 26 27"

Text Inserted

"28 -12 COMPLAINT Case No."

ENVISION IP
L.L.C.
LAW OFFICES
1345 AVENUE OF THE AMERICAS
28TH FLOOR
NEW YORK, NEW YORK 10013

of Defendant's products;

4. That the Court render a final judgment that Defendant has contributorily infringed Plaintiff's federal registered trademarks;

5. That the Court render a final judgment that Defendant has vicariously infringed Plaintiff's federal registered trademarks;

6. For pre-judgment interest on all amounts claimed as permitted by law;

7. For an order of permanent injunction, enjoining Defendant from using the B-SAFE Trademarks, or any confusingly similar trademarks, tradenames, or domain names that include the B-SAFE Trademarks, or any confusingly similar mark or variation, in connection with the generation, offering, distribution, advertising, or sale of bingo cards.

8. That Defendant be directed to file with this Court and serve on Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;

9. For an order requiring Defendant to engage in corrective advertising to restore, to the fullest extent possible, the value of Plaintiff's intellectual property;

10. That Defendant be required to deliver and destroy all devices, literature, advertising, goods, and other unauthorized materials bearing the B-SAFE Trademarks, or any confusingly similar marks, pursuant to 15 U.S.C. § 1118; and

11. That this case be deemed exceptional, and the amount of the damages be trebled and that the amount of profits be increased by as many times as the Court deems appropriate, pursuant to 15 U.S.C. § 1117; and

12. For such other, further, and different relief as the Court may deem proper under the circumstances.

COMPLAINT
Case No.

- 12 -

Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 13 of 13

Page: 13

Graphic Element Inserted

Text Inserted

"Case 2:23-cv-01399 Document 1 Filed 09/08/23 Page 13 of 13"

Text Inserted

"FLOOR NEW YORK, NEW YORK 10105 1 2"

Text Replaced

[Old]: "3 4 5 6 7 Dated: July 28, 2023 ENVISION IP, LLC 8 9 10 11 12 13 14 15 16 17 18 19 20"

[New]: "JURY DEMAND Plaintiff requests a trial by jury of all claims that can be so tried. 3 4 5 Dated: September 8, 2023 LAW OFFICE OF CARL J. MARQUARDT PLLC 6 7 8 9 10 11 12 13 14 15 16 17 18 /s/ Carl J. Marquardt Carl J. Marquardt (WA Bar No. 23257) 1126 34 th Avenue, Suite 311 Seattle, WA 98122 Tel: (206) 388-4498 Email:"

Font "TimesNewRomanPSMT" changed to "TimesNewRomanPS-BoldMT".

Annotation Inserted

Text Inserted

"carl@cjlawoffice.com ENVISION IP, LLC"

Text Inserted

"ENVISION IP LLC."

Text Inserted

"1345 AVENUE OF THE AMERICAS 2 ND"

Text Inserted

Text Inserted

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Inserted

"LAW OFFICES"

Text Inserted

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Graphic Element Inserted

Text Deleted

"Admitted"

Text Inserted

"Pending"

Text Replaced

[Old]: "LAW OFFICE OF CARL J. MARQUARDT /s/ Carl J. Marquardt Carl J. Marquardt (WA Bar No. 23257) 1126 34 th Avenue, Suite 311 Seattle, WA 98122 Tel: (206) 388-4498 Email:"

[New]: "19 20"

Text Deleted

"carl@cjlawoffice.com"

Annotation Deleted

Text Deleted

"FIRST AMENDED"

Comments from page 13 continued on next page

ENVISION IP, LLC
SAFETY STAR, LLC
NEW YORK, NEW YORK 10105**JURY DEMAND**

Plaintiff requests a trial by jury of all claims that can be so tried.

Dated: September 8, 2023

LAW OFFICE OF CARL J. MARQUARDT
PLLC/s/ Carl J. Marquardt

Carl J. Marquardt (WA Bar No. 23257)

1126 34th Avenue, Suite 311

Seattle, WA 98122

Tel: (206) 388-4498

Email: carl@cjlawoffice.com

ENVISION IP, LLC

/s/ Maulin V. ShahMaulin V. Shah, *Pro Hac Vice Pending*

1345 Avenue of the Americas

2nd Floor

New York, NY 10105

Tel: 888-307-6807

maulin.shah@envisionip.com

Attorneys for Plaintiff SAFETY STAR, LLC.

COMPLAINT
Case No.

- 13 -

ENVISION IP
LLC
LAW OFFICES
1345 AVENUE OF THE AMERICAS
2ND FLOOR
NEW YORK, NEW YORK 10105

JURY DEMAND

Plaintiff requests a trial by jury of all claims that can be so tried.

Dated: September 8, 2023

LAW OFFICE OF CARL J. MARQUARDT
PLLC

/s/ Carl J. Marquardt
Carl J. Marquardt (WA Bar No. 23257)
1126 34th Avenue, Suite 311
Seattle, WA 98122
Tel: (206) 388-4498
Email: carl@cjmlawoffice.com

ENVISION IP, LLC

/s/ Maulin V. Shah
Maulin V. Shah, *Pro Hac Vice* Pending
1345 Avenue of the Americas
2nd Floor
New York, NY 10105
Tel: 888-307-6807
maulin.shah@envisionip.com
Attorneys for Plaintiff SAFETY STAR, LLC.

Text Replaced
[Old]: "23-05440-DGE -11"
[New]: "-13"
Font-size "11.04" changed to "13.92".
Font-color changed.

Case 2:23-cv-01399 Document 17-8 Filed 05/09/23 Page 1 of 37

EXHIBIT 1

Page: 14

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:39:29 AM

EXHIBIT 1



B • S A F E				
14	30	39	53	65
10	23	31	55	70
12	25	FREE 25 SPACE	47	63
11	28	33	58	62
2	27	38	46	61
SAFETY STARTS WITH YOU!				

EXHIBIT 2



**SAFETY STAR**

[Home](#) [Safety Scoreboards](#) [Safety Stuplights](#) [Safety Bingo](#) [Dry Erase Posters](#) [More Products](#) **Your Cart**

The “Original” B-SAFE Bingo Card

Small Card Pricing

0 - 1,999	2,000 - 4,999	5,000 - 20,000	Over 20,000
\$0.09 Each	10% Off	20% Off	Please Call

Large Card Pricing

0 - 1,999	2,000 - 4,999	5,000 - 20,000	Over 20,000
\$0.12 Each	10% Off	20% Off	Please Call

Size

Small - Credit Card Size - 2"x3.5" 

Color

Yellow 





\$0.09

Page: 15

-  Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
-  Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
-  Text Replaced
[Old]: "15-1"
[New]: "1-1"
-  Text Replaced
[Old]: "39"
[New]: "37"
-  Maulin Shah Date: 3/29/2023 7:42:10 AM

EXHIBIT 2

	Text Replaced [Old]: "07/28/23" [New]: "09/08/23"
	Text Replaced [Old]: "3:23-cv-05440-DGE" [New]: "2:23-cv-01399"
	Text Replaced [Old]: "15-1" [New]: "1-1"
	Text Replaced [Old]: "39" [New]: "37"

DescriptionAdditional informationReviews (0)

Description

These safety bingo cards have been used by thousands of businesses to reduce workers compensation expenses since 1992. Our small card is the original "credit card size" made from brightly colored, thick card stock. Perfect size for a wallet or billfold. **We now also offer a large regular size card measuring 3.7" X 4.25"**. Orders for our stock B-SAFE Bingo Cards require no minimums and ship the same day as ordered.

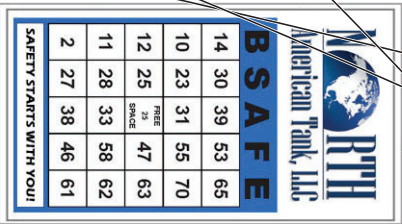
Here are 7 reasons why our Safety Bingo Cards are a "best" value:

1. Our stock and custom safety bingo card prices are the lowest in the country, we will not be under sold!
2. All of our cards are printed right here in the USA, no foreign printing!
3. Order the exact number of cards you need, no need to buy "packs" of cards that may not be used.
4. No art / set up charge for custom cards or existing card reorders, saving you \$40 to \$50 per order.
5. Reordering is simple, just e-mail or call us. We keep all your order history on file.
6. Our cards are made of thick 65 lb. cardstock and are more "tear resistant" than the competition.
7. All individual games come in a different color at no extra charge.

Related products

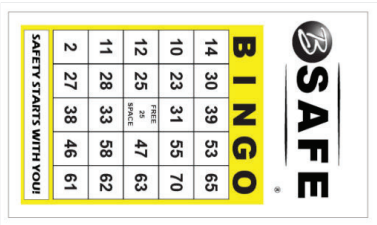
Page: 17

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"



Small Custom B-SAFE Bingo Card

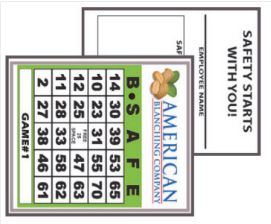
Read More



New B-SAFE BINGO Combo Card

\$0.09 - \$0.12

Select Options



Large Custom B-SAFE Bingo Card

\$0.12

Read More



Products

Safety Scoreboards

Safety Bingo

Dry Erase Posters

Safety Stoplights

Contact Us

info@safetystar.com

(417) 581-6199

5157 N 22nd St

Ozark, MO 65721

Digital Timer Instructions

Download Manuals

EXHIBIT 3

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,032,329
Registered Dec. 20, 2005

TRADEMARK
PRINCIPAL REGISTER

B-SAFE

Page: 18

Text Replaced

[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced

[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced

[Old]: "15-1"
[New]: "1-1"

Text Replaced

[Old]: "39"
[New]: "37"

Maulin Shah

Date: 3/29/2023 7:42:20 AM

EXHIBIT 3

CULBERTSON, BEAUB (UNITED STATES INDIVIDUAL)
8206 INTERLOCHEN DRIVE
NIXA, MO 65714

FOR: BINGO-TYPE GAME CARDS FOR USE IN PROMOTING SAFETY, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-1-1992; IN COMMERCE 3-1-1992.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-544,305, FILED 1-8-2005.

MONTIA G. PRESSEY, EXAMINING ATTORNEY

Case 2:23-cv-01399 Document 17-8 Filed 05/09/23 Page 6 of 37

EXHIBIT 4

United States of America
United States Patent and Trademark Office

BSAFE BINGO

Reg. No. 5,660,503

Registered Jan. 22, 2019

Int. Cl.: 28

Trademark

Principal Register

Safety Star (MISSOURI LIMITED LIABILITY COMPANY)
8206 Interlochen Dr.
Nixa, MISSOURI 65714

CLASS 28: Board games designed to promote employee safety awareness

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BINGO"

SER. NO. 87-947,894, FILED 06-04-2018

Page: 19

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:44:55 AM

EXHIBIT 4



Andrei Iancu

Director of the United States
Patent and Trademark Office

EXHIBIT 5

Page: 20

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:45:06 AM

EXHIBIT 5

from an internet

Untitled Bingo

5x5

B I N G O

Bingo Card

Create your own
bingo card from
scratch



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Whip up a batch of bingo cards!

Find and customize one of the thousands of ready-made bingo cards, or use the simple bingo card generator to create your own. Then print as many cards as you need. You can even play virtual bingo using a computer, smartphone or tablet. It's fast and easy.

loteria Find Cards

Weather Bingo

B	I	N	G	O
circus	clouds	fog	hail	haze
hazy	rain	snow	sun	thunder
wind	drizzle	storm	clear	cloudy
lightning	ice	rainbow	fog	hail
hazy	rain	snow	sun	thunder
wind	drizzle	storm	clear	cloudy
lightning	ice	rainbow	fog	hail

Number Bingo 1-75

B	I	N	G	O
6	23	31	55	65
5	19	34	50	63
8	29	Free!	48	68
15	30	39	49	67
9	28	40	47	75

BABY SHOWER

B	I	N	G	O
BABY	FOOT	HEEL	BABY	SHOWER
WASH	WATER	WASH	WATER	WASH
CHANGING	DIAPER	CHANGING	DIAPER	CHANGING
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER
DIAPER	CHANGING	DIAPER	CHANGING	DIAPER

Sight Words

B	I	N	G	O
the	and	is	was	are
it	up	down	in	on
off	by	with	from	to
at	on	in	under	over
near	far	close	away	back
forth	up	down	in	on
off	by	with	from	to
at	on	in	under	over

T Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

T Text Replaced
[Old]: "39"
[New]: "37"

Generator

Instructions: Enter your bingo card title, choose a size, and type your words into the squares.

You can drag-and-drop images into the squares and customize the color scheme.

To generate your bingo cards, click the "Generate" button.

Afterwards, you can print your bingo cards, or play a virtual bingo game.

Features

- **New!** For [question/answer-style bingo](#), flip over the square to enter a question/clue (which will appear on the call list)
- **Drag and drop images** from your computer to liven up your card
- **Print** 10 bingo cards or 10,000 with 1, 2 or 4 bingo cards per page
- **Play virtual bingo** from a computer, tablet or smartphone
- Use the automatically generated random **call list** to conduct your game

Decide if you want to fix your words/images to a single column (like in traditional bingo), or shuffle them across the entire card.

- Customize the size of your card with 5x5, 4x4 and 3x3 grids
- Add as many words/images as you want
- Choose whether you want a free space or not

Calculate the probability of

Page: 22

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

other people can find and use it.

☐ **Hidden**
Only people who know the URL can access your card, and it will not be indexed by search engines.

☐ **Private**
Only you can access the card.

Generate

Generate the probability of
someone winning your bingo
game after a certain number of
calls

How do I generate bingo cards?

Enter the bingo title, select the size of your bingo card grid, and type your items into the squares. Whatever items you enter into the squares will be shuffled around when the bingo cards are generated.

You can add numbers (like in traditional bingo), words, phrases, or pictures to your card. You can also customize the colors of the squares, and the bingo card itself.

Tip: You can put text and an image into a square. Use the text shadow to make the text "pop" against the background image. You can also change the vertical alignment of the text in the square so it does not cover the important parts of the image.

If your center square is the free space (and should not be shuffled around the card), make sure you check the "The center square is the free space" checkbox. Only 5x5 and 3x3 have a free space.

By default, when your cards are generated, the items are shuffled over the *entire* card. In traditional bingo, items are fixed to a certain column (and only shuffled within their respective column). To enable that, check the "Shuffle items only within their column" checkbox.

How does question/answer-style bingo work?

When you create your card, you can flip over a square to enter a clue/question. Whatever you enter on the *back* of your square will appear in the call list for your bingo game. For example, to help kids learn animal words, you might put the word "Bear" on the front of the square, and a picture of the bear on the back. When you play the game, the image of the bear will appear in the call list for your students to see. If they recognize the literal word "Bear" on their card, they would mark it.

You can use question/answer-style bingo to quiz players about anything!

How many bingo cards can I generate?

A 5x5 bingo card can generate 1551121004330985984000000 unique cards. A 3x3 bingo card can produce only 362880 bingo cards. Cards are randomly generated, so the probability of getting a duplicate is infinitesimal on a 5x5 card.

Page: 23

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

How do I print bingo cards?

After [generating bingo cards](#) or finding an existing [bingo card](#), enter the number of cards you want to print, and select how many cards you want to print per page. You can print 1, 2 or 4 cards per page. Make sure you switch to landscape print mode on your printer to print 2 cards per page.

How do I play virtual bingo?

To play a virtual bingo game, simply send your players the bingo card URL. They can generate a virtual bingo card instantly. Here are more detailed [instructions to play virtual bingo](#).

How do I call items?

A call sheet is included with your bingo game. Simply read the items off in the order you see them. You can also print the call sheet, cut it out, and pull the items from a hat.

How many items should I put on my bingo card?

You should at least fill the entire bingo card grid. A [traditional number bingo card](#) has 75 items. You can add up to 350 squares to your card.

I need more help

See the [help page](#). But I strongly recommend you just play around. It's bingo. You won't break anything.

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)

EXHIBIT 6


Page: 24

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:46:08 AM

EXHIBIT 6

BSAFE

Whip up a batch of bingo cards!



Preview

B	S	A	F	E
14	35	55	61	70
18	8	30	3	75
20	12	Free!	52	40
45	2	65	48	61
45	15	73	16	25

This bingo card has a free space and 24 words: 4, 19, 30, 40, 70, 75, 14, 18, 35, 52, 65, 3, 20, 48, 61, 8, 16, 40, 55, 75, 12, 25, 45, 61 and 73.

1

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Print Bingo Cards

Print 8 pages, with 1 cards per page

☐ Show bingo title

☒ Include call list

Print or Download

Play Online

Share this URL with your players:
bingobaker.com/#1149675

For more control of your online game, create a clone of this card first.

Learn how to conduct a bingo game.

Call List

Full Screen Print

Probabilities


61

PDFMyURL

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 12 of 37

Page: 25

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

BSAFE 

24 words / 0 images / Created 2017-04-19

B	S	A	F	E
14	35	55	61	70
18	8	30	3	75
20	12	Free!	52	40
45	2	65	48	61
45	15	73	16	25




EXHIBIT 7

Envision IP, LLC
Intellectual Property Law Firm

350 5th Avenue, 50th Floor
New York, NY 10118
Ph.: 888-207-5560
Fax: 646-200-5227

VIA USPS CERTIFIED MAIL AND EMAIL

March 23, 2020

Matt Johnson
support@bingobaker.com

Re: Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,329 & 5,660,503

Mr. Johnson:

Please be advised that this firm represents Safety Star LLC (“Safety Star”) with respect to trademark-related matters. Safety Star is a leading provider of safety awareness programs and products for employers and workplaces.

Safety Star is the owner of U.S. Trademark Registration No. 2,682,647 for SAFETY STAR for “instruction sheets and posters designed to promote safety on the job”, U.S. Trademark Registration No. 3,032,329 for B-SAFE for “bingo-type game cards for use in promoting safety”, and U.S. Trademark Registration No. 5,660,503 for BSAFE BINGO for “board games designed to promote employee safety awareness” (collectively, the “Safety Star Trademarks”). A true and correct copy of these trademark registration certificates are attached for your review as Appendix A.

Safety Star has marketed and sold safety bingo products under the BSAFE and B-SAFE trademarks since at least 1992, and under the SAFETY STAR trademark since at least 2001. For example, attached as Appendix B is a copy of my Client’s BSAFE safety bingo card.

It has come to our attention that you are illegally using the Safety Star Trademarks on downloadable and printable safety bingo cards. *See Appendices C & D.* Your website at <bingobaker.com> states, among other things, “Find and customize one of the thousands of ready-made bingo cards, or create your own. Then print as many cards as you need.” *See Appendix E.*

Page: 26

Text Replaced	
[Old]: "07/28/23"	
[New]: "09/08/23"	
Text Replaced	
[Old]: "3:23-cv-05440-DGE"	
[New]: "2:23-cv-01399"	
Text Replaced	
[Old]: "15-1"	
[New]: "1-1"	
Text Replaced	
[Old]: "39"	
[New]: "37"	
Maulin Shah	Date: 3/29/2023 7:47:45 AM

EXHIBIT 7

Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,390 & 5,660,503
Matt Johnson

Customers, potential customers, and parties involved in the occupational and workplace safety industry are being misled into believing that your products and games bearing the Safety Star Trademarks are affiliated with, owned by, or approved by Safety Star. We thus consider your unauthorized uses of the Safety Star Trademarks to be an infringement of our rights.

Accordingly, we demand that that you immediately:

- (1) Cease use of the trademarks BSAFE, B-SAFE, and SAFETY STAR on all products and games that you offer, whether digitally or in print;
- (3) Remove any branding, advertisements, or mentions of the trademarks BSAFE, B-SAFE, and SAFETY STAR from all business locations and any other physical locations where your products may be sold or advertised (such as distributors, re-sellers, and retail outlets);
- (4) Remove any branding, advertisements, or mentions of the trademarks BSAFE, B-SAFE, and SAFETY STAR from all online accounts, such as websites, blogs, social media handles, or otherwise, where your products may be sold or advertised;
- (5) Agree in writing to refrain from using the trademarks BSAFE, B-SAFE, and SAFETY STAR, or any mark or logo confusingly similar to any of my Client's trademarks, in the future, in any form, either digitally or in print; and
- (6) Prevent visitors of <bingobaker.com> from generating, printing, or otherwise creating any bingo cards bearing any of the trademarks BSAFE, B-SAFE, and SAFETY STAR.

Page: 27

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Infringement of U.S. Trademark Registration Nos. 2,682,647, 3,032,390 & 5,660,503
Matt Johnson

My Client is prepared to pursue all available legal remedies to protect and enforce its trademark rights under applicable state and federal laws. If I do not hear from you within ten (10) days of this letter to indicate compliance with the above requests, we shall assume that you have no interest in an amicable resolution. We will then have no choice but to pursue our legal remedies.

Nothing stated in or omitted from this letter shall be construed as a waiver of any of Safety Star's rights, all of which are expressly reserved.

Very truly yours,



Maulin V. Shah, Esq.
Attorney at Law

Enclosures

Page: 28

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

APPENDIX A

Int. Cls.: 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,682,647
Registered Feb. 4, 2003

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SAFETY STAR

CULBERTSON, BEAU (UNITED STATES INDIVIDUAL)
8206 INTERLOCHEN ST.
NIXA, MO 65714

FOR: PRINTED INSTRUCTIONAL AND MOTIVATIONAL MATERIALS CONCERNING EMPLOYEE SAFETY, NAMELY, BROCHURES, CATALOGS, INSTRUCTION SHEETS AND POSTERS DESIGNED TO PROMOTE SAFETY ON THE JOB, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-1-2001; IN COMMERCE 7-1-2001.

FOR: BUSINESS CONSULTING SERVICES FOR EMPLOYERS CONCERNING SAFETY INCENTIVE AND AWARENESS PROGRAMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-1-2001; IN COMMERCE 7-1-2001.

SER. NO. 76-281,230, FILED 7-9-2001.

JOHN DALIER, EXAMINING ATTORNEY

Page: 29

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Int. Cl.: 28
Prior U.S. Cls.: 22, 23, 38 and 50
United States Patent and Trademark Office
Reg. No. 3,032,329
Registered Dec. 20, 2005

TRADEMARK
PRINCIPAL REGISTER

B-SAFE

CULBERTSON, BEAUB (UNITED STATES INDIVIDUAL)
8206 INTERLOCHEN DRIVE
NIXA, MO 65714

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: BINGO-TYPE GAME CARDS FOR USE IN PROMOTING SAFETY, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 78-544,305, FILED 1-8-2005.

FIRST USE 3-1-1992; IN COMMERCE 3-1-1992.

MONTIA G. PRESSEY, EXAMINING ATTORNEY

Page: 30

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"



BSAFE BINGO

Reg. No. 5,660,503

Registered Jan. 22, 2019

Int. Cl.: 28

Trademark

Principal Register

Safety Star (MISSOURI LIMITED LIABILITY COMPANY)
8206 Interlochen Dr.
Nixa, MISSOURI 65714

CLASS 28: Board games designed to promote employee safety awareness

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BINGO"

SER. NO. 87-947,894, FILED 06-04-2018

Page: 31

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"



Andrei Iancu

Director of the United States
Patent and Trademark Office

Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 19 of 37

APPENDIX B
B • S A F E

14	30	39	53	65
10	23	31	55	70
12	25	FREE 25 SPACE	47	63
11	28	33	58	62
2	27	38	46	61

SAFETY STARTS WITH YOU!

Page: 32

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"



BSAFE Safety BINGO

B	S	A	F	E

Print Bingo Cards

Print 1 cards per page

Print 8 pages

☒ Show bingo title

☒ Include word list

Print

(opens as a PDF in a new window)

Play Online

You can get a full screen bingo card here:
[bingobaker.com/play/1947762](#)

Call List

Here is a call list you can use.

Clone & Edit

You can clone this bingo game, and edit the clone.
[Want to do that?](#)

Probabilities

With 30 players, you'll have to call about 10 items before someone gets a bingo. There's a % chance that a lucky player would win after calling items.

Tip: if you want your game to last longer (on average), add more words/images to it.

APPENDIX C



Page: 33

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"



Safety Star BINGO

S	A	F	T	Y
Pinch Point	E Zone	Frustration	SDS	First Responder
Inspection	Trip Hazard	Ladder Safety	Spotter	Hand Safety
Blitz Audit	Safety Cone		Safety Awareness	Ear Plugs
Pneumatic LOTO	Code 4 - Inclement Weather	Electrical Panel	Pedestrian Walkways	Loose Clothing
Ladder Safety	Machine Guard	Hearing Protection	Recordable	Code 1 Plant Evacuation

Print Bingo Cards

Print

1

 cards per page

Print

8

 pages

☒ Show bingo title

☒ Include word list

Print

(opens as a PDF in a new window)

Play Online

You can get a full screen bingo card here: bingobaker.com/play/1108539

Call List

[Here is a call list](#) you can use.

Clone & Edit

You can clone this bingo game, and edit the clone. [Want to do that?](#)

Probabilities

With 30 players, you'll have to call about 1 items before someone gets a bingo. There's a % chance that a lucky player would win after calling items.

Tip: if you want your game to last longer (on average), add more words/images to it.

APPENDIX D



Page: 34

- Text Replaced

[Old]: "07/28/23"

[New]: "09/08/23"
- Text Replaced

[Old]: "3:23-cv-05440-DGE"

[New]: "2:23-cv-01399"
- Text Replaced

[Old]: "15-1"

[New]: "1-1"
- Text Replaced

[Old]: "39"





[New]: "37"

This bingo card has the words: Take 2, Near Miss, OFI, First Aid, E Zone, Safety Scorecard, Zip Audit, LOTO, Inspection, Emergency Evacuation, Fatigue, Slip Trip Fall, Sharpe Edges, Repetitive Motion, Goggles, Blitz Audit, Loose Clothing, 5S, Hand Safety, Cell Phone Policy, Ladder Safety, Hand Safety, Coast Time, Machine Guard, Red Card, Recordable, Proper Lifting, PPE, Power Tool Safety, Pneumatic LOTO, Pinch Point, Pedestrian Walkways, Pedestrian Safety, Pedestrian Safety, Sharp Edges, Secondary LOTO, Seatbelt, SDS, Safety Scorecard, Safety Mentor, Safety Glasses, Safety Cone, Safety Awareness, Inspection, Hoist Inspection, Hearing Protection, Hand Safety, JSA, Repetitive Motion, Loose Clothing, Leaning Items, Ladder Safety, LOTO, Goggles, Gloves, Gas LOTO, Frustration, Forklift Travel, Forklift Hot Zone, Code 2 Incipient Fire or Spill, Code 1 Plant Evacuation, Coast Time, Chemical Labeling, Cell Phone Policy, Bump Hazard, Blood Borne Pathogens, Blocked Exit, Blitz Audit, Blind Spot, Applied Force, Air Hose, Electrical LOTO, Ear Plugs, E Zone, Dust Mask, DTMs, Confined Space, Complacency, Code 4 - Inclement Weather, Code 3 First Responder, Forklift, First Responder, First Aid, First Aid, Fire Extinguisher, Fatigue, Fall Protection, OFI, No Stage Zone, No Jewelry, Near Miss, Moving Parts, Machine Guard, LOTO Try, LOTO, ZIP Audit, Trip Hazard, Team Work, Team Lift, Take 2, Stop Zone, Spotter, Spill Kit, Eye Wash, Ergonomics, Emergency Evacuation, Electrical Safety, Electrical Panels, Electrical Panel

More like this:
[PERIOD 5 - 7 SAFETY BINGO | Safety Star BINGO | Safety Star BINGO |](#)
[Period 5 - 7 Safety Star BINGO | Safety Star BINGO](#)

PDFMYURL.com - convert URLs, web pages or even full websites to PDF online. Easy API for developers!

Page: 35

-  Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
-  Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
-  Text Replaced
[Old]: "15-1"
[New]: "1-1"
-  Text Replaced
[Old]: "39"
[New]: "37"

Bingo Baker

Whip up a batch of bingo cards!

Find and customize one of the thousands of ready-made bingo cards, or [create your own](#). Then print as many cards as you need. You can even play online using a computer, smartphone or tablet. It's fast and easy.

Sports

Find Cards

Weather Bingo

B	I	N	G	O
Fujita	blizzard	hail	ice	thunder
hail	blizzard	hail	ice	thunder
blizzard	hail	ice	thunder	hail
ice	thunder	hail	blizzard	hail
thunder	hail	blizzard	hail	ice
hail	ice	thunder	hail	blizzard
blizzard	hail	ice	thunder	hail
ice	thunder	hail	blizzard	hail
thunder	hail	blizzard	hail	ice

Number Bingo 1-75

B	I	N	G	O
2	30	45	54	69
3	25	38	69	71
7	20	Free!	63	75
15	22	41	57	66
9	16	40	58	63

BABY SHOWER

B	I	N	G	O
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?
What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?	What's the baby's name?

Sight Words

B	I	N	G	O
the	and	is	was	are
was	are	is	and	the
is	and	the	was	are
are	the	was	are	is
the	was	are	is	and
was	are	is	and	the
are	the	was	are	is
is	and	the	was	are
and	the	was	are	is

Clear Card

5x5

O

Untitled Bingo

B

I

N

G

O

Create your own bingo card from scratch

Bingo Cards
Instructions: Just type your words into the grid on the left. You can give your

Drop an image of your own here



Page: 36

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

EXHIBIT 8

Page: 37

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:48:50 AM

EXHIBIT 8



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Bingo Cards > Title:Bsafe Bingo Cards

title:bsafe
☐ Only find cards with images
Clear Search Tips

BSAFE

24 words / 0 images / Created 2021-06-29

B	I	N	G	O
Safety is the key, its up to you and me	Remember to always be smart	Safety is no accident	Safety begins with teamwork	Safety is free use it generously
The best safety device is your head	Safety rules are your best friend	Safety rules are your best friend	Remember to always be smart	Every day is safety day
Keep your eyes on safety	At work, at home be the norm	Free! safety be smart, be safe	Be smart, be safe	Get in the safety habit
A safer you is a safer me	Avoid the wags, put safety first	Safety is a choice you make	Safety fits like a glove	Before you do, take time through
Accident prevention is your mission	Lead the way, stay safe today	Safety is in your hands	Being smart starts here	Safety- its everyone's job

BSAFE

24 words / 0 images / Created 2017-07-12

B	I	N	G	O
background Assessment	Request	Emergency	SBAR	
Phlebotomy	Code pink	Fire hydrant	Oxygen	Wheelchair
Code 44	Slippery	Free!	Reorientation	Situation
Patient Transport	Patient Biohazard	Code Red	Privacy	
Security	CP	Read Back	Communicable	Risk Management

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

 Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

TText Replaced
[Old]: "39"
[New]: "37"

BSAFE

0 words / 24 images / Created 2021-09-10

BSAFE 

24 words / 0 images / Created 2017-04-19

BSAFE

24 words / 0 images / Created 2020-03-10

BSAFE BINGO 

30 words / 0 images / Created 2020-04-21

Page: 39

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

Text Replaced
[Old]: "15-1"
[New]: "1-1"

Text Replaced
[Old]: "39"
[New]: "37"

Life Jacket	Watch	Pulse Oximeter	First Aid Kit	Trauma Bag
Bathing Suit	Goggles	Rescue Tube	Knife	Gloves

insurer	deductible	Pru	exclusions	liability insurance
adjuster	Homeowner	premium	PIP	appraisal

BSAFE Bingo





24 words / 0 images / Created 2022-03-17

B	S	A	F	E
6	8	18	23	5
7	15	3	11	19
12	20	Free!	9	17
22	1	10	13	14
4	2	24	16	21

BSAFE BINGO

34 words / 0 images / Created 2022-08-19

B	I	N	G	O
Ladder Safety	Accident	OSHA	Pinch Point	Audits
Slip, trip, fall	Eco	Working at height	Bloodborne pathogens	Hotwork permit
Toolbox	Hazards	HSE	Storm	LOTO
Exit	Near Miss	Fire drill	Emergency	Lesson learnt
Temperature	WWTP	Assembly Point	Covid-19	Risk Assessment

 Text Replaced [Old]: "07/28/23" [New]: "09/08/23"
 Text Replaced [Old]: "3:23-cv-05440-DGE" [New]: "2:23-cv-01399"
 Text Replaced [Old]: "15-1" [New]: "1-1"
 Text Replaced [Old]: "39" [New]: "37"

PDFmyURL.com - convert URLs, web pages or even full websites to PDF online. Easy API for developers

EXHIBIT 9

Page: 41

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"
- Maulin Shah Date: 3/29/2023 7:49:03 AM

EXHIBIT 9



[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Login/Sign Up](#)

Bingo Cards > Title:"B-Safe" Bingo Cards

title: "b-safe"
☐ Only find cards with images
Clear Search Tips

B-SAFE

24 words / 0 images / Created 2016-02-10

B	S	A	F	E
Ergonomics	No Accidents	Pay Attention	HAZCOM	Glass Safety
Safe Foods	GMP's	Hearing Safety	Machine Guarding	Back Safety
Electrical Safety	First Aid	Free!	Job Hazard Analysis	Eyes On the Task
Zero Accidents	Personal Protective Equipment	Lockout Tagout	Fire Safety	Slips, Trips and Falls
Wet Floor Danger	Hand Safety	Respiratory Protection	Eye Protection	Near Miss Reporting

B-SAFE

24 words / 0 images / Created 2017-08-13

1 similar card

B	S	A	F	E
2	41	57	60	61
17	6	40	13	65
29	10	Free!	59	35
32	1	72	48	73
55	25	70	26	22

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

T Text Replaced
[Old]: "15-1"
[New]: "1. 1"

T Text Replaced
[Old]: "39"
[New]: "37"

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)

T Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"

T Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"

T Text Replaced
[Old]: "15-1"
[New]: "1-1"

TText Replaced
[Old]: "39"
[New]: "37"

Maulin Shah Date: 3/29/2023 7:49:11 AM

EXHIBIT 10

 PDFmyURL

Page: 44

- Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"
- Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"
- Text Replaced
[Old]: "15-1"
[New]: "1-1"
- Text Replaced
[Old]: "39"
[New]: "37"

BSAFE BINGO

34 words / 0 images / Created 2022-08-19

B	I	N	G	O
Ladder Safety	Accident	OSHA	Pinch Point	Audits
Slip, trip, fall	Eco	Working at height	Bloodborne pathogens	Hotwork permit
Toolbox	Hazards	HSE	Storm	LOTO
Exit	Near Miss	Fire drill	Emergency	Lesson learnt
Temperature	WWTP	Assembly Point	Covid-19	Risk Assessment

PR BSAFE BINGO

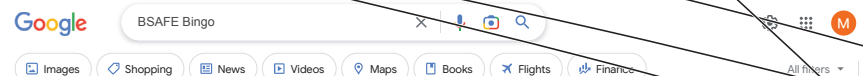
89 words / 0 images / Created 2020-04-21

B	I	N	G	O
U.S. Comfort	Parks closed	Beaches closed	Get Dogged! 6th round! 1st round! 1st round!	1 inch! 1 inch! 22 boxes of wheat! 1 inch! 1st round!
Politics vs Science	Choking on a banana	Thank you for the first line	Panic shopping	ALEXAI Pour me more wine
Watched Tiger King	Jersey 4 Jersey	FREE	Times Square a town	Italy
Swear the big and you want now?	CDC	News morning	World Health Organization	Netflix
Stimulus CHECKS	UPS	Flatten the Curve	Covidiot	Virtual House Party wood

PDFmyURL.com - convert URLs, web pages or even full websites to PDF online. Easy API for developers!

3/29/23, 4:37 PM

Case 2:23-cv-01399-BHS Document 17-8 Filed 10/05/23 Page 32 of 37

EXHIBIT 11

About 158,000 results (0.41 seconds)

Safety Star
<https://safetystar.com/safety-bingo/>

B-Safe Safety Bingo - Kits, Cards and Supplies

Join thousands of organizations using our B-SAFE safety bingo program to improve employee safety awareness and reduce workers compensation expenses.

★★★★★ Rating: 4.5 · 2 votes



Amazon.com
<https://www.amazon.com/B-Safe-Bingo-Safety-Program/>

B-Safe Safety Bingo Program : Toys & Games

The BSAFE Bingo's focal point is our heavy duty, easy to mount Game Poster. Our new technology Easy Wipe lamination allows you to effortlessly wipe off daily ...

Manufacturer: Safety Star Age Range (Description): Adult

Included Components: Cards

★★★★★ Rating: 4 · 5 reviews · \$299.00 · 30-day returns



Safety Bingo
<https://www.safetybingo.com/>

Safety Bingo: Home

Behavioral-based safety awareness programs for every workplace! Workplace safety just got a lot more fun! ... Join the Safety Bingo family!

[Shop](#) · [About](#) · [Contact](#)

People also ask

- How do you play workplace safety bingo?
- How do you play double action bingo?
- How do you play the board game bingo?
- How do you play bingo for money?

Feedback

Bingo Baker
<https://bingobaker.com/view/>

BSAFE BINGO Card

BSAFE BINGO bingo card with deductible, umbrella, underwriting, claim, insured, shared risk, Liability coverage, premium, Captive agent and Pru.

<https://bingobaker.com/view/>

B SAFE Bingo Card

B SAFE bingo card with Personal Protective Equipment, Hand Safety, Hearing Safety, Wet Floor Danger, Glass Safety, Ergonomics, Safe Quality Foods, ...



LinkedIn
<https://www.linkedin.com/posts/>

Daniel Batty's Post

We started BSafe Bingo now for one month. This keeps our staff engaged along with daily safety tips. Building a safety conscience company!

Page: 45

Maulin Shah Date: 4/24/2023 1:43:01 PM
 EXHIBIT 11

Annotation Attributes Changed

Text Replaced
 [Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"
 [New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"

Text Replaced
 [Old]: "39"
 [New]: "37"

BSAFE Bingo - Google Search Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 33 of 37 3/29/23, 4:42 PM

EXHIBIT 12

Page: 46

Maulin Shah Date: 3/29/2023 2:01:06 PM

EXHIBIT 12

Text Replaced
[Old]: "07/28/23"
[New]: "09/08/23"Text Replaced
[Old]: "3:23-cv-05440-DGE"
[New]: "2:23-cv-01399"Text Replaced
[Old]: "15-1"
[New]: "1-1"Text Replaced
[Old]: "39"
[New]: "37"

https://www.google.com/search?q=BSAFE+Bingo&client=safari&rls...ouqRgIL-AhVMMVvKfHD55BBUQ_AUoAXoEAIQAw&biw=1440&bih=7978&dpr=2 Page 1 of 3

3/29/23, 4:47 PM

Case 2:23-cv-01399 Document 1-1 Filed 09/08/23 Page 34 of 37

EXHIBIT 13

Search Tips

By default, BingoBaker will search the **title, and words/clues** for anything matching your query. Searches are case insensitive. But BingoBaker also has some advanced search operators you can use for better searching.

Quick Examples

`+title:animals +created:[2020-10-01 TO 2020-10-31]`

Find bingo cards with "animals" in the title, that were created during October, 2020

`corpus:"milton friedman" -economics`

Find bingo cards with a word or clue containing the exact phrase "milton friedman", but nothing in the BingoBaker mentions "economics".

`corpus:(milton friedman) +created:[2020-01-01 TO *]`

Find bingo cards with "milton" or "friedman" in any word/clue (with a preference for bingo cards containing both terms) that were created after the beginning of 2020.

`"milton friedman"`

Find bingo cards containing the exact phrase "Milton Friedman".

`milton friedman +items:[50 TO *]`

Find bingo cards containing the words milton or friedman (with a preference for bingo cards containing both terms) that have 50 or more words/images.

Should, Must and Must Not

You are probably used to using boolean operators like AND, OR and NOT for doing searches. BingoBaker uses different operators **+** (MUST) and **-** (MUST NOT). A space is implicit for the SHOULD operator.

Examples

`sin cos tan`

At least one of those terms must be in the card, with a preference for bingo cards that include more matching terms. These terms are implicitly joined with a space (which is the SHOULD operator).

`Milton +Friedman`

The term "Friedman" *must* be in the card somewhere, with a preference for bingo cards that mention "Milton" too.

`Economics economy -Friedman`

Find bingo cards that mention economics or economy that don't mention "Friedman" at all.

You can also use parentheses for grouping.

`Economics economy -(Friedman Hayek)`

Find bingo cards that mention economics or economy that don't mention "Friedman" nor "Hayek" at all.

Field Specific Searches (title, corpus, created, images, words, items, clues)

Page: 47

Text Replaced	
[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"	
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"	
Text Replaced	
[Old]: "39"	
[New]: "37"	
Maulin Shah	Date: 3/29/2023 2:01:21 PM

EXHIBIT 13

3/29/23, 4:47 PM

`title:(american history)` searches for bingo cards that have "american" or "history" in the title. The parentheses are required if you enter multiple words. Without parentheses, `title:american history` would find bingo cards with "american" in the title, or "history" anywhere within the card.

`corpus:"como se llama"` finds bingo cards with that exact phrase in any of the words/clues (the corpus field encompasses every word/clue).

`created:[2020-10-31 TO *]` finds bingo cards created on or after Halloween 2020.

`created:{2020-10-31 TO 2020-12-31}` finds bingo cards created after Halloween 2020, but before the new year (use {} for exclusive ranges, and [] for inclusive ranges).

`words:[50 TO 100]` finds bingo cards with 50 to 100 words (inclusive).

`images:[5 TO *]` finds bingo cards with 5 or more images.

`items:[75 TO *]` finds bingo cards with 75 or more words or images.

`clues:[25 TO *]` finds bingo cards with 25 or more clues.

Note: The free space does not count towards the words/images/items/clues count.

Page: 48

Text Replaced
[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"

Text Replaced
[Old]: "39"
[New]: "37"

Page: 49

 Text Replaced

[Old]: "3:23-cv-05440-DGE Document 15-1 Filed 07/28/23"
[New]: "2:23-cv-01399 Document 1-1 Filed 09/08/23"

 Text Replaced

[Old]: "39"
[New]: "37"

EXHIBIT 14

Bingo Baker

Whip up a batch of bingo cards!

Login

Username or Email:

Password:

[Trouble logging in?](#)

Join Bingo Baker!

A **lifetime** membership to Bingo Baker is just \$24.95. Benefits include:

✓ **Totally UNLIMITED Usage**

Create and use as many cards as you want. Print as many cards as you want, upload as many images as you want, and play with as many people as you want!

✓ **Privacy Control**

Make your games private and hide them from search engines.

✓ **A Custom Online Bingo Experience**

Change the play online instructions/text; collect the name, email, or other identifier from online players; customize the bingo dauber. No BingoBaker branding on any page!

✓ **Real-time Bingo Dashboard**

See every player's card in real-time. Quickly verify a bingo. Invite players via email directly from Bingo Baker. Clear, scramble and delete cards easily. and more!

[Bingo Card Generator](#) [Bingo Cards](#) [Help](#) [Legal](#) [Login/Sign Up](#)

EXHIBIT 15 Case 2:23-cv-01399 Document 17-8 Filed 10/05/23 Page 114 of 114
 The Wayback Machine - https://web.archive.org/web/20150323191934/https://bingobaker.com/account/login/



Login

Username:

Password:

Login

If you forget your password, you can [reset it](#)

Become a Bingo Baker Member

It's \$9.95 for a lifetime membership. Member benefits include:

- A fancy bingo card manager
- Full printing capabilities (more than 8 cards)
- Editing privileges
- A public list of all your bingo cards (ex: [bingobaker.com/1](#))

Sign Up!

Page: 50

Text Replaced

[Old]: "Case 3:23-cv-05440-DGE 15 Document 15-1 Filed 07/28/23"
 [New]: "1 Case 2:23-cv-01399 5 Document 1-1 Filed 09/08/23"

Font "LiberationSans" changed to "ArialNarrow-Bold".
 Font-size "12" changed to "24".
 Font-color changed.

Text Replaced

[Old]: "39"
 [New]: "37"

Page Deleted

Page Deleted